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ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND  
RELATED MATTERS.

Hearing held  
3th floor  
180 Dundas Street West  
Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange

Commissioner

P.S.A. Lamek, Q.C.

Counsel

E.A. Cronk

Associate Counsel

Thomas Millar

Administrator

Transcript of evidence  
for

February 14, 1984

VOLUME 103

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ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
DEATHS AT THE HOSPITAL FOR SICK CHILDREN  
AND RELATED MATTERS.

Hearing held on the 8th Floor,  
180 Dundas Street West, Toronto,  
Ontario, on Tuesday, the 14th  
day of February, 1984.

THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner  
THOMAS MILLAR - Administrator  
MURRAY R. ELLIOT - Registrar

APPEARANCES:

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E. CRONK )	
D. HUNT )	Counsel for the Attorney
L. CECCHETTO)	General and Solicitor General
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	and Coroner's Office)
I.J. ROLAND)	Counsel for The Hospital for
M. THOMSON )	Sick Children
R. BATTY )	
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W.N. ORTVED	Counsel for numerous Doctors
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	Children
F. KITELY	Counsel for the Registered
	Nurses' Association of Ontario
	and 35 Registered Nurses at
	The Hospital for Sick Children
H. SOLOMON	Counsel for The Ontario
	Registered Nursing Assistants

(Cont'd) ...



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APPEARANCES: (Continued)

D. BROWN	Counsel for Susan Nelles - Nurse
E. FORSTER	Counsel for Phyllis Trayner - Nurse
J.A. OLAH	Counsel for Janet Brownless - R.N.A.
M. ROSENBERG	Counsel for Sui Scott - Nurse
S. LABOW	Counsel for Mr. & Mrs. Gosselin, Mr. & Mrs. Gionas, Mr. & Mrs. Inwood, Mr. & Mrs. Turner, Mr. & Mrs. Lutes, and Mr. & Mrs. Murphy (parents of deceased children)
F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased child Stephanie Lombardo); and Heather Dawson (mother of deceased child Amber Dawson)
W.W. TOBIAS	Counsel for Mr. & Mrs. Hines, (parents of deceased child Jordon Hines)
J. SHINEHOFT	Counsel for Lorie Pacsai and Kevin Garnet (parents of deceased child Kevin Pacsai)







E R R A T A

Volume 99 - Tuesday, February 7, 1984

Page 2496, line 17: "Susan Trayner" should be  
"Phyllis Trayner"

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A/BM/ak

1  
2 --- Upon commencing at 10:00 a.m.

3 LYNN JOHNSTONE, Resumed

4 THE COMMISSIONER: Yes, Mr. Lamek.

5 MR. LAMEK: Mr. Commissioner, I  
6 don't mind starting without my gang this morning,  
7 but the exhibits are on their way up.

8 THE COMMISSIONER: Oh, all right.

9 MR. LAMEK: And they are things  
10 that I propose to mark, so, if I get to the point  
11 where I need to mark them I may ask you to pause for  
12 a few minutes.

13 THE COMMISSIONER: Yes, all right.

14 DIRECT EXAMINATION BY MR. LAMEK: (Continued)

15 Q. Miss Johnstone, Happy Valentine's  
16 Day.

17 A. Oh, thank you, same to you.

18 Q. At the close of the day  
19 yesterday I said I wanted to look with you at those  
20 of the 29 deaths where the death occurred either  
21 during the shift of the night supervisor or within  
22 four hours after the end of the supervisor's shift.

23 I am showing to you a copy of what  
24 I understand to be a duty roster for the night  
25 supervisors at the Hospital. This covers the period  
from October of 1979 until August of 1981 and the







1  
2 period with which we are interested really occupies  
3 pages 2 and 3. But do you recognize that as a  
4 copy of the duty roster that you lived by in the  
5 Hospital for Sick Children?

6 A. Yes.

7 Q. And it lists the supervisors  
8 down the left hand side - let's turn to page 3  
9 which is the beginning of the period which we are  
10 interested, starting with the last week of June of  
11 1980 and then notes whether they were off on vacation,  
12 and I take it N means on duty for that night?

13 A. That's right.

14 Q. All right. Have you had a  
15 chance to review this schedule or duty roster,  
16 Miss Johnstone?

17 A. Yes.

18 Q. Are you satisfied that to the  
19 best of your recollection it does set out the period  
20 with which we are interested the nights of duty  
21 that you worked?

22 A. Yes.

23 Q. Who prepared this roster, please?

24 A. Miss Sword my immediate  
25 supervisor.

Q. And for what period of time





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ahead did she prepare it?

A. Usually two weeks to a month ahead of time.

MS. FORSTER: Mr. Commissioner, I'm sorry, but I can't hear the witness. I wonder if she can speak up.

THE COMMISSIONER: It was prepared ahead for usually, what was it you said, usually two weeks ahead?

THE WITNESS: Two weeks to a month.

THE COMMISSIONER: Two weeks to a month. And who did you say prepared it?

THE WITNESS: Miss Sword.

THE COMMISSIONER: Miss Sword.

MR. LAMEK: Q. And were there from time to time, Miss Johnstone, changes in the duty roster, did people change their assignments from time to time?

A. Yes, they were, but they were indicated on the time sheet also.

Q. Miss Sword reflected those by amending the duty roster, did she?

A. Yes.

MR. LAMEK: Mr. Commissioner, may that be the next exhibit, please.







1  
2  
3 THE COMMISSIONER: 351.

4 ---EXHIBIT NO. 351: Duty Roster .

5 MR. LAMEK: Now, sir, that is  
6 something of which copies will be coming. I don't  
7 have copies for counsel at the moment.

8 I have copies for counsel now.

9 Q. Now, what I propose to do in  
10 a moment, Miss Johnstone, is to go through the  
11 Atlanta Report Category A deaths which occurred  
12 between 11:00 p.m. and 11:00 a.m. to see who was on  
13 duty and, in particular, who on each of those nights  
14 was supervising Wards 4A and B and then I propose to  
do the same with the Category B deaths.

15 But may I first ask this. Was it  
16 unusual or was it perfectly normal for a supervisor  
17 from, let us say, Area 1 in the Hospital to appear  
18 on wards in others areas of the Hospital?

19 A. She may be cutting through  
20 there to go to one of the wards that she was covering,  
so, it's not unusual to see someone pass by.

21 Q. All right. And I take it that  
22 if there were an arrest on a ward outside her own  
23 area she might be expected to turn up at that arrest?

24 A. Yes, she would come to see if  
25







1

2

she could offer any assistance.

3

4

5

6

Q. But other than those two situations, merely passing through or attending at an arrest, did supervisors generally tend to stay within their own areas of the Hospital?

7

A. Yes, they did.

8

9

10

11

12

Q. Can you tell us something please about the nighttime flavour of a hospital ward, and let's focus on 4A and B. Would I be right in thinking the atmosphere, general feeling of the ward is quite different at night from that which prevails during the day?

13

14

A. Yes, it's quieter, there are less people around.

15

16

Q. During the day I take it you would expect to see parents around?

17

A. There would be parents.

18

Q. Nursing students?

19

A. Nursing students.

20

Q. Head nurses?

21

A. Doctors, residents, head nurses, yes.

22

Q. Teaching team leaders we have heard about?

23

A. Yes.

24

25





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2

3

Q. Would they be around during the day?

4

A. Yes.

5

Q. Ward clerks during the day?

6

A. Yes.

7

Q. Orderlies of one kind or another?

8

A. We didn't have orderlies.

9

Q. You didn't have orderlies.

10

Maintenance people in the Hospital generally?

11

A. Yes, they could be.

12

Q. And none of those people would

13

be around in the middle of the night, I take it, normally speaking?

14

A. Not normally. Maintenance would come if there was a problem on the ward but they usually weren't seen that much.

15

16

17

Q. And equally a resident may come if he was on call that night and there was a problem on the ward.

18

19

20

A. Yes.

21

Q. All right. Now, if somebody not assigned to a ward came on to the ward at night, can you tell us in your judgment based upon your experience whether the presence of such a person

22

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would be likely to be observed?

A. Yes, it would I think. The nurses would question who it was and what they were doing there.

Q. Would they be more likely to do that at night than during the day?

A. I would think so, yes.

Q. Indeed, who do you expect to see on a ward during the night? I take it you expect to see the members of the nursing team on duty?

A. That's right.

Q. You would expect to see the supervisor from time to time?

A. Once in a while, yes.

Q. Once in a while. You might expect to see residents coming through the ward or coming to the ward?

A. Yes.

Q. Perhaps if there has been an emergency a staff man may appear?

A. That's right.

Q. Would you expect to see the IV team on the ward at night?

A. Not after 11:00 at night.







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Q. What's the name you give to the team that draws blood?

A. The phlebotomy team.

Q. The phlebotomy team. Would you expect to see them at night?

A. No, they're not there after 11:00 either.

Q. So, your expectation of seeing different people other than the type group actually working the ward is quite small at night, is that fair?

A. That's right.

Q. Okay. Now, we are going to do what I call show and tell. I have had prepared, Miss Johnstone, a chart listing first the Category A deaths as listed in the Atlanta Report; that is to say those of them that occurred between the hours of 11:00 p.m. and 11:00 a.m., which is most of them as you know.

Now, I have listed them in chronological order from Woodcock at 9:40 a.m., June 30th to Cook, 4:56 a.m., March 22nd, 1981 with the time and date of their deaths, a notation as to the ward on which they died or got into trouble. Pacsai we know died in the ICU but he encountered difficulties in Ward 4B





1  
2 before he went.

3 Across the top I have listed those  
4 night supervisors of whom I am aware, that is to say,  
5 Miss Sword, Miss James, yourself, Kathy Coulson,  
6 Carter, and now I have got a column for the added  
7 starters that come from time to time on release,  
8 is that fair?

9 A. Yes.

10 MR. LAMEK: Mr. Commissioner, I  
11 have provided a sort of copy of that for everybody  
12 so they can do their own box score as they go along.  
13 Maybe I can give you one of those.

14 THE COMMISSIONER: All right. We  
15 are going to make that an exhibit?

16 MR. LAMEK: We can make either the  
17 big one or a small one an exhibit, they will have  
18 exactly the same information on them.

19 THE COMMISSIONER: Yes, all right.  
20 Perhaps tentatively would you make this 352, we  
21 may substitute the other one. It is the chart on  
22 the "Presence of Night Supervisors" which will be  
23 352. Yes, all right.

24 ---EXHIBIT NO. 352: Chart entitled "Category A -  
25 Presence of Night Supervisors".







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MR. LAMEK: Q. Now, Miss Johnstone, we need to refer to the earlier exhibit, the duty roster, do we not?

A. Yes.

Q. And looking first at Baby Woodcock who died shortly after the end of the night supervisors' shift I take it we need to know which of the night supervisors were on duty on the night of June 29 to 30.

A. Yes.

Q. Is that right?

A. Right.

Q. So, we are looking at page 3 of the duty roster.

A. Yes.

Q. Can you help me there please, on June 29th, 1980, who were the night supervisors who were on duty?

A. Miss James and myself.

Q. Miss James and yourself. And you were the only two?

A. That's right.

Q. And who please was supervising Wards 4A and B that night?

A. I was.





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2

3

Q. Okay. Then you get an asterisk  
for that day.

4

5

6

Now, Taylor we need to look at the  
night of July 26th to 27. Can you help me again  
please, who was on duty?

7

A. Miss Sword and Miss Coulson.

8

9

Q. Miss Sword and Miss Coulson.  
So, they were the only two?

10

A. That's right.

11

Q. And again who was supervising  
4A/B that night?

12

A. I would think Miss Coulson.

13

14

15

16

Q. All right, we can confirm  
that with her but it is your belief that it is  
Miss Coulson. You told me yesterday that in your  
absence it was normally Miss Coulson who would  
supervisor the cardiology service.

17

A. Right.

18

19

Q. Okay.

20

MR. ORTVED: Mr. Lamek, have you  
got a better pen?

21

22

MR. LAMEK: I wish I had. Has  
anybody got a magic marker?

23

24

25

MR. YOUNG: Perhaps this high-  
lighter.





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MR. LAMEK: Great, fine.

Q. All right, let's start again.

We've got James up here and Johnstone, Johnstone gets the asterisk. For Taylor we have Sword and Coulson and Coulson presumably in charge of 4A/B.

For Dawson's death we are looking at the night of July 27 to 28, the next day after Taylor. Can you help me again there?

A. Miss Sword.

Q. Yes.

A. And Miss Coulson.

Q. Sword and Coulson. Was Coulson once again supervising 4A/B?

A. Yes.

-----







1

Q. Then we go to the night of

July 31st to August 1st when Turner died, and I am looking now at the second block of assignments on the page that we are looking at.

5

A. Yes.

6

Q. Am I right in thinking that Sword and Coulson were again the people on duty?

7

8

A. Yes.

9

Q. And for Turner we have Sword again and Coulson; once again Coulson in charge of 4A/B?

10

11

A. Yes.

12

Q. And then the night of

13

Velasquez' death, the night of August 23-24, who was on duty then, please?

14

15

A. Miss James and Miss Coulson.

16

Q. Miss James and Miss Coulson?

17

Once again, was Miss Coulson supervising 4A/B?

18

A. Yes.

19

Q. Then we have a long stretch

20

through to December which is over on the next page, Miss Johnstone.

21

We are looking at the night of

22

December 8 to 9, and we seem to have a pretty full complement of people that night.

23

A. Yes, all five of us were on.

24

25

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1  
B2 2 Q. So the night of Onofre's  
3 death, Sword, James, Johnstone, Coulson and Carter?  
4 A. Yes.  
5 Q. And were you in charge of  
6 4A/B?  
7 A. Yes.  
8 Q. Then the night of Baby  
9 MacDonald's death we are looking at December 12 to  
10 13.  
11 A. Yes. Myself and Mrs. Carter.  
12 Q. Yourself and Mrs. Carter for  
13 MacDonald. Johnstone and Carter.  
14 Now you were the senior supervisor  
15 on duty that night?  
16 A. That is right.  
17 Q. When you are the senior  
18 supervisor on duty are you in effect in charge of  
19 the whole Hospital?  
20 A. Yes.  
21 Q. It must have been a fairly  
22 busy night for you. Were you also that night  
23 supervising 4A/B?  
24 A. Yes, I was.  
25 Q. Okay. Then we go to the night  
of December 17-18, the shift in which Baby Gosselin







B3

1

2

died. We seem to have Sword, yourself and Carter?

3

A. Yes, that is right.

4

Q. Once again were you in charge

5

of 4A/B?

6

A. Yes.

7

Q. The night of December 22 was

8

the shift in which Stephanie Lombardo died. Who were  
the supervisors on duty, please?

9

A. Miss James and Miss Coulson.

10

Q. Was Miss Coulson in charge

11

of 4A/B that night?

12

A. Yes.

13

Q. January 10 to 11, the death

14

of Estrella, please?

15

A. Myself and Miss Coulson.

16

Q. Once again does that put you

17

in charge of the whole Hospital? You were the  
senior supervisor?

18

A. Yes.

19

Q. But nevertheless were you

20

supervising 4A/B that night?

21

A. Yes, I was.

22

Q. Then we get into March and

23

we are looking first at the night supervisor shift

24

that started at eleven o'clock on March 7th. Who was

25





B4

1

2

on duty, please?

3

A. Miss James and Miss Coulson.

4

Q. Would that be a night when

5

Miss Coulson was supervising 4A/B?

6

A. Yes.

7

Q. The next night, March 8,

8

was the night that Baby Gionas died. Who were on  
duty, please?

9

A. Miss James and Miss Coulson

10

and Mrs. Carter.

11

Q. James, Coulson, Carter. And

12

once again was Coulson supervising --

13

A. Yes.

14

Q. -- 4A/B?

15

A. I would think so, yes.

16

Q. March 11 to 12, the night of

17

March 11, we are looking for the shift assignment,

18

the night of Manojlovich's death, could you tell  
me who was on duty, please?

19

A. All of us on duty.

20

Q. All five?

21

A. Yes.

22

Q. Sword, James, Johnstone,

23

Coulson and Carter, and you were supervising 4A/B?

24

A. Yes.

25





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Q. Now Pacsai was the same night so I take it the same complement of supervisors?

A. Yes.

Q. The next night, March 12 to 13, Kristin Inwood died. Who was on duty then, please?

A. Miss James, Miss Coulson and Mrs. Carter..

Q. And was Miss Coulson supervising 4A/B?

A. Yes.

Q. The night of March 20-21 when Miller died I believe you were the senior supervisor in charge of the Hospital that night?

A. Yes.

Q. And who was on with you?

A. Myself and Miss Coulson and there was a Mrs. Richardson helping us out.

Q. Richardson? Who that night supervised 4A/B?

A. Mrs. Richardson.

Q. Can you tell me why that was, Miss Johnstone?

A. Probably because the rest of the Hospital was very busy and I felt that I had







1  
B6 2 enough to cope with, what was happening around.

3 Q. You had Miss Coulson too who  
4 was normally the person who supervised the cardiology  
5 service when you were not there?

6 A. I don't know why.

7 Q. You don't know why you  
8 selected Mrs. Richardson --

9 A. No.

10 Q. -- rather than Miss Coulson?

11 A. No, I don't.

12 Q. Okay. And then finally the  
13 night of the death of Justin Cook, March 21-22?

14 A. Myself and Miss Coulson and  
15 Mrs. Richardson.

16 Q. And who that night super-  
17 vised 4A/B?

18 A. I did.

19 Q. Why did you change for the  
20 night of the 21st to the 22nd the assignment of  
21 supervising 4A/B from Richardson to yourself?

22 A. First of all because I felt  
23 I should, and second of all there had been a meeting  
24 earlier in the evening with Dr. Carver and they had  
25 decided to lock up the digoxin and he had asked Mrs.  
Ross that I cover 4A that night.





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B7 2

3

Q. The request of Dr. Carver in short?

4

A. Yes.

5

6

7

8

9

10

Q. Okay. Then in the Category A deaths that we have looked at it appears that Miss Sword was in the Hospital on duty for 7 of them; Miss James for 9 of them; you for 9 of them and in each case where you had been present for one of those deaths, each case but one you had been supervising 4A/B?

11

A. That is right.

12

THE COMMISSIONER: No, wait. Sorry, I have 2. Am I wrong?

13

14

MR. LAMEK: I think Miller was the only case where Miss Johnstone was on and not supervising the ward.

15

16

17

THE COMMISSIONER: Yes. You are quite right. All right.

18

19

20

MR. LAMEK: Q. Miss Coulson we have 14 of the deaths occurred when she was on duty, and 8 of them occurred when she was supervising 4A/B?

21

A. Yes.

22

Q. I will put an 8 beside the 14, and in your case we will put an 8 beside the 9.

23

24

25

Miss Carter seems to have been on duty







1  
B8 2 for 7 of the deaths, and in none of them was she  
3 in charge of 4A/B. Mrs. Richardson was on duty for  
4 2, and in the case of one of them she was supervising  
5 4A/B. And that is out of a total of 17 deaths.

6 Now can we quickly, please, do the  
7 same exercise with respect to the Category B deaths  
8 and then see the overall comparisons between the  
9 nursing supervisors and these Category A and B  
deaths.

10 The Category B chart, Mr. Commissioner,  
11 is attached behind the Category A one that you have.

12 We go back then almost to the begin-  
13 ning to Bilodeau the night of July 21-22.

14 A. Miss Sword, Miss James and  
15 Miss Coulson.

16 Q. Miss Coulson supervising  
17 4A/B I take it?

18 A. Yes, I would think so. Yes.

19 Q. Lillian Hoos, the night of July  
20 30 to 31?

21 A. Miss Sword and Miss Coulson.

22 Q. Once again it would be Miss  
23 Coulson on 4A/B?

24 A. Yes, I think so.

25 Q. And the Monteith child, the





1  
B9 2 night of August 18 to 19?  
3 A. Myself and Miss James.  
4 Q. And yourself - you were  
5 supervising 4A/B?  
6 A. Yes.  
7 Q. Gage, the night of September  
8 24 to 25?  
9 A. Miss Sword, myself and --  
10 Q. Yourself?  
11 A. The 24th, yes, myself and  
12 Miss Coulson and Mrs. Carter.  
13 Q. The four of you on that night.  
14 Were you supervising 4A/B?  
15 A. Yes.  
16  
17  
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Q And the McKeil child died the  
night of October 14th and 15th, who was on duty, please?

4

5

A Miss Sword, Miss James and  
Mrs. Carter.

6

7

Q Are you able to tell me who  
that night was supervising 4A/B?

8

9

A I can just guess, it may have  
been Miss James.

10

11

Q But we don't know for sure?

A No.

12

13

14

Q Rather than guess in that  
circumstance we will leave that one blank. Lutes  
died the night of November 16th and 17th, who was on  
duty, please?

15

16

A Miss Sword, Miss James, myself  
and Miss Coulson.

17

18

Q And you were supervising 4A/B?

A Yes.

19

20

Q The night of February 3 to 4?

A Miss Sword, Miss James and  
Mrs. Carter.

21

22

Q And once again, are you able or  
not to tell us who was supervising 4A/B?

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24

25

A I couldn't say for sure.







C.2

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Q February 11th and 12 was the  
night Thomas died, who was on duty?

A Miss Sword and myself.

Q Were you supervising 4A/B?

A Yes.

Q Then March 6th to 7th, the  
night Colleen Warner died?

A Miss Sword, myself and Miss  
Coulson.

Q Were you in charge of 4A/B?

A Yes.

Q And finally the Gardner child,  
the night of March 17th to 18th?

A Miss Sword, Miss Coulson and  
Mrs. Carter.

Q Was Coulson supervising 4A/B  
that night?

A Yes.

Q And so the Category B deaths  
we have 9 of the 10 Miss Sword was on duty; 5 of  
them Miss James was on duty; you were on duty for 5,  
in each case being the supervisor of 4A/B; Miss  
Coulson was on duty for 6 having been supervising  
4A/B for 3 of those nights; Mrs. Carter was on duty  
for 4 of them. Perhaps we should now add in the





C.3

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Category A to get a total?

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A. Yes.

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Q. And we have Sword for 7; James for 9; yourself for 9; Coulson for 13; and Carter for 7; then we have Richardson, 2. Totals of 2, 11, working backwards from the right now, 20, 14 for yourself, 14 for James and 16 --

THE COMMISSIONER: I'm sorry, 20?

MR. LAMEK: I was working the other way across, sir.

Q. 16 for Sword, combined 9 and 7.

THE COMMISSIONER: Oh yes, I beg your pardon.

Q. 14 for James, 5 and 9; 14 for Johnstone, 5 and 9; 20 for Coulson, 6 and 14; 11 for Carter, 4 and 7; and Richardson for 2?

A. Yes.

Q. Out of a total I think it was 27. Now, those are the occasions upon which people were actually on duty in the Hospital. But I think you told me that the presence of one of those supervisors on a ward which is not in her area would be something that people would not normally expect to see?

A. No.

Q. Do I have that correctly?





C.4

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A. That's right.

3

Q. And if a supervisor were on any

4

regular basis to be going into an area in the

5

Hospital which was not her own area would you expect

6

that to be a matter of comment by the nursing staff

7

on the ward?

8

A. They may just say Miss Sword

9

or Miss Coulson walked through and said hi, but that

would be it.

10

Q. Perhaps I overstated it when

11

I said it was a matter of comment, is that something

12

you would expect the nursing staff on the ward to

notice?

13

A. Yes, they would notice.

14

Q. There was one child of course

15

who died during the daytime hours, more than four

16

hours after the end of the night shift and that is

17

Adamo and he died at 5:43 in the afternoon on

18

October the 19th. To your recollection did any

19

night supervisor in the period which concerns us

work the occasional day shift?

20

A. No. Mrs. Carter did when she

21

first joined us, and Miss Coulson would have too

22

when she first joined us, but other than that no one.

23

Q. I notice, for example, on the

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C.5

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very first day of the duty roster that the first four days shown on this roster, October 22, 23, 24 and 25 you yourself are shown as working "D" which I take it means day?

A. That's right.

Q. Can you tell me how that came about?

A. That would be when I first started on the night shift and it was sort of an orientation to the wards that I would be covering.

Q. Was that a sort of orientation period?

A. Yes,

Q. To become accustomed to what supervisors do?

A. Yes.

Q. And having gone through that orientation period I do not see for you another day shift on this entire roster?

A. No.

Q. And you would not normally work a day shift at all?

A. No.

Q. Now, can we go to some of these arrests then that did occur while you were on duty,





C.6

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please. I want to start with the last of them, that of Justin Cook. As we know he suffered a cardiac arrest at 4:20 in the morning of March the 22nd, and that was a death for which you were on duty and as you have told us at the request of Dr. Carver you were supervising 4A/B that night?

A. That's right.

Q. You had come on duty about 11 o'clock in the evening of Saturday, March the 21st I take it?

A. That's right.

Q. You had been on duty the previous night we know when Allana Miller had died, and I am going to come back later to the events of the night of Allana Miller's death. When you left the Hospital on the morning of Saturday, March the 21st.

A. Yes.

Q. Following the shift upon which Allana Miller had died, when you were at the Hospital that morning did you have any reason to think that digoxin might be involved in Allana Miller's death?

A. No.

Q. Did you have any reason to think when you left the Hospital that morning that





C.7

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Allana Miller's death may have resulted from other  
than natural causes?

3

4

A. No.

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Q. Now, we know from prior  
evidence here, Miss Johnstone, that the digoxin levels  
that were obtained in post mortem samples taken from  
Miller were not known until about 8 o'clock in the  
evening on Sunday, so clearly in the morning you  
could have had no knowledge of the levels, so you had  
no knowledge at all that digoxin might have been  
involved in her death in any way?

12

A. No.

13

14

Q. What time did you arrive in  
the Hospital on the Saturday evening?

15

16

17

A. Around 11 usually I arrived.

18

19

Q. Upon arrival that evening did  
you learn anything of the events of that day and the  
earlier part of the evening?

20

21

22

A. When I spoke with Mrs. Ross  
at the change of shifts when they were going off  
duty from the evening shift.

23

24

25

Q. Okay, who is Mrs. Ross, please?

A. She was the evening supervisor  
in charge of the Hospital.

Q. And it would be normal for you







C.8

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2

to speak to the offgoing supervisor to get report  
from her I take it?

4

A. Yes, it would.

5

Q. And what other than the normal  
report did Mrs. Ross say to you?

6

7

A. She told me that there had  
been a meeting in Dr. Carver's office and that they  
had been instructed to go around the wards and tell  
them to lock up the digoxin.

8

9

10

Q. Yes.

11

12

A. She told me they had gone to  
all the wards except for the recovery room and the  
outpatient clinic.

13

14

Q. Did Mrs. Ross give you that  
information as soon as you arrived?

15

16

A. We went into another room away  
from the other supervisors and she explained it.

17

18

Q. Whose idea was it to go into  
another room away from the others?

19

A. Mrs. Ross'.

20

Q. So she took you aside into  
another room?

21

A. That's right.

22

Q. And gave you this information?

23

A. Yes.

24

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BM/PS

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Q. That as a result of a meeting in Dr. Carver's office they had been ordered to lock up digoxin, did she say that she had been around the hospital?

A. She said that she and Miss Wooley had gone around to the wards, except for the two I just mentioned, and asked the nurses to lock up the digoxin.

Q. Is Miss Wooley another of the supervisors?

A. That's right, she's an evening supervisor.

Q. All right. Did Mrs. Ross tell you anything more in that private conversation?

A. I can't remember.

Q. Did she at that time give you any information as to any digoxin levels on the Miller baby?

A. I don't think she mentioned Miller specifically. She may have told me that some of the babies have had elevated digoxin levels but I can't remember her saying that to me.

Q. All right.

A. I have written it.

Q. You have no clear recollection of





1  
2 her saying anything else?

3 A. No.

4 Q. What was your reaction or  
5 response to the information about the locking up of  
6 the digoxin? I take it that was something totally  
7 new in your experience at the hospital.

8 A. Yes, it was. I was very surprised.

9 Q. Did you ask her why it was being  
10 done?

11 A. I did and she said that they  
12 wanted to check the digoxin, that the nurses were to  
13 lock it up and Pharmacy would be collecting it in the  
14 morning and reissuing it as a control drug.

15 Q. Other than surprise, did you have  
16 any other thoughts upon learning from Mrs. Ross the  
17 digoxin had been ordered locked up earlier in the  
18 evening?

19 A. I can't say for sure but probably  
20 it ran through my mind that they were looking into the  
21 possibility of digoxin being involved in some of the  
22 deaths.

23 Q. You said probably ran through  
24 your mind, do you have any recollection now of it  
25 having done so?

A. I am sure it did because it was







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2

so unusual.

3

4

Q. You of course had been aware of the number of deaths on the cardiology wards over the preceding several months.

5

6

A. Yes.

7

Q. And I take it you had been concerned about them?

8

A. Yes, I was.

9

10

Q. Now, we will come to this later but I take it for the moment that you had been troubled as to what could be the cause of the deaths on the cardiology service.

11

12

A. Yes, I was.

13

14

Q. Was this the very first time in the course of the conversation with Mrs. Ross when it occurred to you that perhaps digoxin may be involved in some of those deaths?

15

16

17

A. That's the first time, yes.

18

19

Q. Did your thinking go any further than merely that digoxin may be involved? Did it occur to you to go further and wonder how it may be involved?

20

21

A. No, I can't say.

22

Q. When you say that you thought for the first time that digoxin might be involved, do you remember that you considered that an overdose of

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digoxin might be causing the deaths? Is that what you meant or did you mean something else, I need to know.

5

6

A. Oh, I guess I felt, since they were investigating the drug that somebody must be giving them the digoxin.

7

8

Q. Well, that I take it was a pretty terrible thought to entertain.

9

10

A. It sure was, I did not feel comfortable with it.

11

12

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15

16

Q. No, and it was a thought that --  
THE COMMISSIONER: When you say somebody must be giving them obviously if they get digoxin somebody must be giving them it. Do you mean somebody must be giving them an overdose, is that what you mean? Well, what do you mean by somebody must be giving them it?

17

18

19

THE WITNESS: I think just that somebody must somehow -- somehow these children must have been given the drug.

20

21

THE COMMISSIONER: Well, some of them were on digoxin.

22

23

24

25

THE WITNESS: Yes.

THE COMMISSIONER: What passed through your mind? Did it pass through your mind that there





1  
2 was some sort of deliberate overdose, is that what  
3 you were thinking about?

4 THE WITNESS: I just couldn't think that  
5 anybody would deliberately do something like that to  
6 any of the children. I guess I just felt surprised  
7 that it was implicated by locking it up.

8 MR. LAMEK: Q. Could we explore it just  
9 a little bit further, Miss Johnstone, because it is  
10 important for us to know what it was that was in your  
11 mind at that time.

12 A. Yes.

13 Q: And I am not suggesting for a  
14 moment that you in an instant came to a conclusion  
15 about what may be happening, but did it occur to you  
16 at that time that perhaps one explanation could be  
17 that somehow in some way these children were dying as  
18 a result of receiving too much digoxin?

19 A. Can you say that again?

20 Q. Yes. Did it occur to you that  
21 the deaths may be attributable to overdoses of digoxin,  
22 let's go no further than that for the moment. They  
23 were getting too much of this drug somehow.

24 A. Somehow.

25 Q. All right. Did that occur to you  
when you heard that the drug had been locked up?







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A. Yes.

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A. Yes.

9

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Q. And it is obviously not a thought that you would want to accept.

11

A. That's right, I couldn't.

12

13

Q. You said it made you feel very uncomfortable.

14

A. Yes.

15

16

Q. Did you know at that time or did Mrs. Ross tell you that blood samples had been taken from Miller at autopsy for digoxin assay?

17

18

A. She didn't mention any baby in particular.

19

20

21

22

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Q. Okay. Were you aware at that time, at the time of your conversation with Mrs. Ross that there had been a meeting that afternoon between representatives of the hospital, including physicians, and of the coroners and the police, were you aware of that?





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2

A. No, I wasn't.

3

4

Q. Did you know at the time that  
you were talking to Mrs. Ross or did she tell you  
that Pacsai had had an elevated serum digoxin level?

5

6

A. I don't think she told me herself.

7

8

Q. Were you aware of that information?

9

10

A. I can remember hearing that the  
coroner was involved in the death of Pacsai.

11

12

Q. Yes. Do you recall when you heard  
that?

13

14

A. I can't, no.

15

16

Q. Did you think it was before or  
after you came on duty the night of Saturday, March  
21st?

17

18

A. I don't know.

19

20

Q. Well, if you are not able to  
recall, did you know at that time or had you heard that  
an elevated post mortem digoxin level had been  
recorded on the baby Estrella who had died in January?

21

22

23

A. I know that she had had an  
elevated dig. level a couple of days before she  
died.

24

25

Q. Yes.

26

A. She was very sensitive to the  
digoxin, her levels were up and down frequently, but I

27

28





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2

can't say that I knew she had an elevated level when  
she died.

3

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Q. Okay. Now, you have told me that  
on that occasion the conversation with Mrs. Ross  
when you came on duty the night of March 21st was  
the first time that you had thought or entertained  
the thought that something sinister or improper might  
be happening on Wards 4-A and B.

9

10

A. It is the first time that I  
really thought a lot about it, yes.

11

12

Q. Did you express that thought to  
Mrs. Ross at that time?

13

14

A. I'm sorry, did I express the  
thought to her?

15

16

Q. Yes. Did you tell Mrs. Ross  
what you were thinking, what the thoughts were that  
were going through your mind?

17

18

19

20

21

22

A. I can't remember.

23

24

25

Q. All right. Do you recall whether  
during the course of that shift beginning at 11:00  
on Saturday evening you told anybody else at the  
hospital of the thoughts that were going through  
your mind as a result of the information that you  
acquired?

A. I think I spoke with Miss Coulson







1

2

about it.

3

Q. All right. Do you recall when

4

that was?

5

A. It would probably be just before

6

we left the office to go out on our rounds, our first  
set of rounds for the night.

7

Q. Can you recall for me, please,

8

the substance of that conversation?

9

A. I think I mentioned to her that

10

there was concern that some children had died with

11

elevated dig. levels, but that's all I can remember.

12

Q. All right. You didn't disclose

13

to her the uncomfortable thought that had gone through

14

your mind that perhaps somebody had been knowingly

15

A. No, I don't think so.

16

Q. To your recollection, had that

17

thought ever been expressed to you by anyone else

18

prior to March 21st?

19

A. Miss Coulson said something to me

20

before that. I can't tell you when it was, but I

21

remember we had a conversation and she asked me if

22

I felt anybody could be deliberately doing anything

to the babies.

23

Q. You may not be able to tell me just

24

25





1  
2 when that conversation took place, but can you give  
3 me an idea. Was it days before March 21st, weeks or  
4 months before it? Was it in 1980, '81, can you help  
5 me at all?

6 A. I think it may have been in the  
7 fall of '80, but I am not exactly sure because there  
8 had been a marked increase of deaths and there had  
9 been several deaths while I was away on vacation.

10 Q. Your recollection is that Miss  
11 Coulson had said to you, you think perhaps in the fall  
12 of 1980, do you think somebody could be doing some-  
13 thing to the babies or something of that sort?

14 A. Yes.

15 Q. All right. Not so much suggest-  
16 ing it herself as raising the possibility?

17 A. No.

18 Q. Okay. I am sorry, is that what  
19 you mean, raising the possibility rather than express-  
20 ing her own opinion?

21 A. I think she was just expressing  
22 her own opinion, her own thoughts.

23 Q. Okay. And at that time did you re-  
24 ject that suggestion out of hand?

25 A. Yes, I did, I just said I couldn't  
believe that that would happen and I wouldn't discuss it





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any longer.

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Q. Well, if indeed Miss Coulson had raised that possibility with you in the fall of 1980 or at any prior time, why on the night of March 21st would you not say to her, Kathy, you may have been right; because that's what you were now thinking, is it not?

8

A. Yes.

9

Q. But you didn't say that to her?

10

A. No, I didn't.

11

12

13

14

Q. All right. Other than your conversation with Miss Coulson that night, do you recall saying anything to anybody else in the hospital about the thoughts that you had had as a result of your conversation with Mrs. Ross?

15

A. During the night?

16

Q. Yes.

17

A. Like, any of the other nursing staff?

18

Q. Yes.

19

A. No, I didn't say anything to anyone.

20

21

Q. Or to any physician who happened to be in the hospital that night?

22

A. No, I don't think I did.

23

Q. All right. Now, having had your

24

25







1  
2 conversation with Mrs. Ross, and I take it it was  
3 necessary that the other supervisors know about the  
4 locking up of the dig. as well.

5 A. Yes, because we all knew that  
6 there would be several questions asked.

7 Q. Yes.

8 A. Why all of a sudden they were  
9 doing this.

10 Q. Are you saying Mrs. Ross had  
11 taken you into another room to give you the informa-  
12 tion?

13 A. That's right.

14 Q. Did she then in your presence  
15 give the same information to the other supervisors,  
16 Mrs. Richardson and Miss Colson?

17 A. No, I think I was the one.

18 Q. You think you passed it on to  
19 them?

20 A. Yes, just so that we could support  
21 what had been said during the evening.

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24 (Page 3385 follows)

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EMT.jc  
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Q What was the explanation that was to be given to any nurses who asked why this had been done?

A Just that they wanted to check the digoxin and Pharmacy would be collecting it in the morning.

Q Now having had your conversation with Mrs. Ross I take it you attempted to go about your normal duties for the night?

A That is right.

Q I would think that was reasonably difficult for you, was it not?

A Yes, it was.

Q You were supervising 4A/B as we know at Dr. Carver's request. When did you first go to those wards in the course of that shift?

A I think I went there first as soon as I left the office so it would probably be some time around 12:30.

Q All right. Until 12:30 had you been occupied with the things you have told us about yesterday, going through the --

A Going through the tour ends and the staffing --

Q The tour ends and so on?





E.2

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A. Yes.

3

4

Q. Do you recall whether any 4A patients had been mentioned on the tour end report that day?

5

A. I know that Justin Cook had.

6

Q. All right.

7

8

A. I can't tell you who else was on there without seeing the tour end.

9

Q. You know Cook was?

10

A. Yes.

11

12

Q. All right. Do you recall whether there were any 4B patients on the tour end report?

13

14

A. There would be on their own tour end report and I can't tell you without seeing it.

15

16

17

Q. All right. But we know from the other evidence we have seen and the documentation, that Phyllis Trayner was the team leader on 4A that night?

18

19

A. That is right.

20

Q. And Bertha Bell the team leader on 4B?

21

22

A. That is right.

23

Q. You arrived at the ward at about 12:30 you say?

24

25







E.3

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A. Yes, I think so.

3

4

Q. And where did you go first, to  
4A or 4B or the nursing station in the middle?

5

6

A. I went to the nursing station  
in the middle and I spoke with Mrs. Trayner first.

7

8

Q. And what was the conversation  
you had with her?

9

10

11

A. I asked her about the staffing  
and the patients that were on the tour end report  
and then we went and made rounds of all the children  
on the ward.

12

13

Q. In the course of that initial  
conversation with Mrs. Trayner was that at the nursing  
station?

14

15

16

17

18

A. Yes.

19

20

Q. Was there any mention in the  
course of that conversation to the order requiring  
the dig. to be locked up? Did you mention it to her?  
Did she mention it to you?

21

22

23

24

25

A. I think she asked me why, and  
I could just say what the evening people had said.

Q. All right. Then you did rounds  
with Mrs. Trayner?

A. With Mrs. Trayner, yes, of the  
4A children.





E.4

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Q. You visited all the patients  
on Ward 4A?

A. Yes, I did.

Q. And we know that Justin Cook  
was in 418 and he was receiving constant nursing care  
from Nurse Nelles?

A. That is right.

Q. And you went into 418?

A. Yes.

Q. Do you recall who was in there  
when you went in?

A. Susan was there, and I think  
one of the RNA's, Janet Brownless was there feeding  
another baby in the room.

Q. All right. Indeed we know from  
the assignment book she had four children in that room  
that night.

A. Yes.

Q. And Mrs. Christie was  
responsible for one child in 418. Do you recall  
seeing her when you first went into that room?

A. No, I can't.

Q. Your recollection is that Janet  
Brownless was there feeding another baby?

A. Yes.





E.5

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Q And Susan Nelles was there with  
Justin Cook?

A That is right.

Q Do you remember what Susan Nelles  
was doing when you went in?

A She was sitting at his bedside  
facing the child and his monitor, and that is all I  
can remember.

Q Did you look at him?

A Yes, I did. I went over and  
asked Susan about him, how he had been since she came  
on.

Q All right.

A And I looked at him myself.

Q And what did she tell you?

A She said that he had been stable  
since she came on; that he had not had any of the  
blue spells that he had had around six in the evening.

Q Yes.

A Before she came on duty.

Q And how did he look to you?

A He looked comfortable. He was  
in some oxygen and he looked peaceful and comfortable.  
He looked like he was sleeping.

Q How long were you in Room 418







E.6

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2

on that first rounds?

3

A. Probably for about 10 minutes.

4

Q. While you were in that room,  
and particularly while you were with Cook and Nelles,  
did you notice anything out of the ordinary?

6

7

A. No. Oh, yes, I did. I saw  
a syringe taped to the foot of the bed.

8

Q. Yes.

9

A. And a vial.

10

Q. Was the syringe full or empty?

11

A. The syringe was full.

12

Q. Was the vial full or empty?

13

A. I think the vial was empty, yes.  
It had been broken open.

14

15

Q. You mean the end had been  
snapped off?

16

A. Snapped off, yes.

17

Q. Which is the normal way --

18

A. To withdraw.

19

Q. -- to get at the contents of the  
bottle, is it not?

20

A. That is right.

21

22

Q. Did you inspect the vial and  
the syringe?

23

A. I asked them what it was and

24

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they told me that it was Inderal and I loosened the tape and had a look at the vial myself to see if in fact that is what it was, and it did say Inderal.

Q All right. Did you ask them how it came to be there?

A Yes. I asked them and they told me that it had been drawn up by somebody on the day shift before they came on duty, and they couldn't tell me who it was.

Q You say that was out of the ordinary. What was unusual about that?

A The simple fact that they accepted responsibility for something - for a medication that they had not drawn up themselves.

Q Was that the reason that you spoke to them to see who had drawn up the material?

A Yes, I did.

Q Were you told that there had been an order written to keep Inderal at the bedside?

A They - I don't know if they used the word "written", but they told me they were told to keep some Inderal at the bedside.

Q All right. The syringe and the vial you had told us were taped to the foot of --

A That is right.





E.8

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Q. -- of Justin Cook's bed?

3

A. That is right.

4

Q. Was there one vial or two?

5

A. I think there was only one.

6

Q. Okay. You recall, Miss Johnstone,

7

trying to set out your recollection in some notes on  
March 29th, 1981?

8

A. 29th?

9

Q. Do you remember doing that?

10

A. I remember making some notes, yes.

11

Q. March 29th would be a week

12

after the events of the night of Cook's death?

13

A. That is right.

14

Q. Do you have those notes with you?

15

Perhaps I could show you what I believe to be a copy  
of your notes. Are those the ones?

16

A. Yes.

17

Q. The date in the top left-hand

18

corner is Sunday, March 29?

19

A. Yes.

20

Q. And are these in your hand-

21

writing?

22

A. Yes, they are.

23

Q. All right. And could you just

24

turn over, please, to the I think it is the fifth page

25







E.9

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which again has "Sunday, March 29, in retrospect".

3

A. Yes.

4

Q And you note "Inderal - two  
open vials with pre-drawn medication were tapped  
(or taped) to the foot of Justin's" bed.

5

6

A. Yes.

7

8

Q And:

9

"This is what Dr. Kantak used to  
give the Inderal to Justin."

10

A. Yes.

11

Q Is that your recollection as  
of March 29th, 1981?

12

13

A. Yes, it must have been because  
I wrote it there.

14

MR. LAMEK: I think, Mr. Commissioner,  
we should perhaps mark those notes as an exhibit if  
we may.

15

16

THE COMMISSIONER: Yes, all right.

17

18

MR. BROWN: Mr. Commissioner, could  
I perhaps have an opportunity to review the notes  
before they are marked as an exhibit?

19

20

THE COMMISSIONER: Yes. All right.

21

22

MR. LAMEK: Q Is it your present  
recollection, though, Miss Johnstone, that there was  
but one vial with a syringe taped to the bed?

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A. Yes.

Q. Okay. Can we at least go this far that to the extent that the notes represent your recollection a week after the event they may be - they may set out a more reliable recollection than you have now almost three years after the event?

A. Yes.

Q. Okay.

THE COMMISSIONER: To put the question simply, what do you think now? Do you think it was one or two?

THE WITNESS: Right now --

THE COMMISSIONER: Bearing in mind the fact that this is in your notes, bearing in mind the fact that your memory is what it is, what do you think it probably was, one or two?

THE WITNESS: Because this is closer to the event --

THE COMMISSIONER: Well, yes, but this is the sort of thing that lawyers put to you, closer to the event. I want you to tell me what you want, was it one or two?

THE WITNESS: Well ...

THE COMMISSIONER: I guess it is a draw?





E.11

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THE WITNESS: Yes.

3

MR. LAMEK: One or two.

4

THE WITNESS: A Mexican standoff.

5

MR. LAMEK: Q. Okay. Do you recall  
what size the syringe was?

6

7

A. Yes. A TB syringe, a 1 cc.  
syringe.

8

9

Q. Okay.

10

THE COMMISSIONER: 1 cc.

11

THE WITNESS: Yes.

12

MR. LAMEK: Q. It may or may not  
be significant to know whether there were one or two.  
I was just interested in the different recollection.

13

14

I take it you were not pleased that  
medication had been drawn up and taped to the bed by  
someone other than the nurses who were now proposing  
perhaps to hand it to someone to administer?

15

16

17

A. No, I wasn't.

18

19

Q. All right. Did you try to do  
anything about it? For example, get more Inderal?

20

21

22

23

24

25

A. I spoke to them about it, and  
before I left the ward Mrs. Trayner told me that  
they didn't have any Inderal left on the wards, so  
I said I would try and get some for them from 7G, but  
if not then one of the doctors would have to meet me





E.12

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down at Pharmacy to get them more.

3

4

Q Did you in fact succeed in finding some Inderal in the Hospital that night?

5

6

7

8

A Yes, I did. I brought them back two vials I think it was from 7G, I asked them to make a note of it so that it could be returned the next day because I had told them on 7G that they would return it the next day.

9

10

11

12

Q Or replace it?

A That is right, yes.

Q Do you know when you took that Inderal back to 4A?

13

14

15

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A I can't say for sure.

Q Well, we are going to be coming to the other visits that you can recall having made to the ward that night.

A Yes.

Q Do you recall anything else about that visit to Room 418? You have told us now about the Inderal taped to the bed and what was said and done about that.

A Yes.

Q You told us generally what you were doing on 4A, talking to Mrs. Trayner and then going on the rounds?







E.13

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2

A. Yes.

3

4

Q. Do you recall anything else about anything that occurred in 418, in Justin Cook's room, on that occasion?

5

6

7

A. Not anything other than the conversation we had about accepting responsibility for the drugs.

8

9

10

Q. Do you recall anything else that was out of the ordinary or that caused you to comment about the ward as a whole, 4A?

11

A. No.

12

13

Q. Had the digoxin been looked up?

14

15

A. On 4A as we were going from the nurses station in to 418 you have to pass the medication room.

16

17

Q. Yes.

18

19

A. And there is a window in the door, and I noticed that the digoxin elixir was sitting on the counter in the medication room.

20

21

Q. And not locked - not in the cupboard?

22

23

24

25

A. And not locked in the cupboard, no, and I asked Mrs. Trayner about it and asked her why it wasn't locked up, and had she not been told,





1  
2 and she said yes, they had been told but she didn't  
3 have the keys. Susan Nelles had them and that is  
4 why she hadn't locked it up.

5 Q. Did you ask her why she could  
6 not have obtained the keys from Susan Nelles?

7 A. Yes, I did, but I didn't get  
8 a reasonable answer.

9 Q. Susan Nelles was in Room 418,  
10 was she not, caring for Justin Cook?

11 A. That is right.

12 Q. And 418 is right beside the  
13 nursing station?

14 A. Right next to the medication  
15 room, yes.

16 Q. Was that the only explanation  
17 you were given for the digoxin not being locked up  
18 at 12:30 in the morning?

19 A. That is right.

20 MR. PERCIVAL: Mr. Commissioner, I  
21 was wondering if you could, sir, the notes that have  
22 been given to us, the first five pages are marked 1,  
23 2, 3, 4, 5 and then the page that Mr. Lamek has  
24 referred this witness to is not numbered and it is  
25 entitled "Sunday, March 29, in retrospect", and I  
was wondering if my friend perhaps might wish to ask





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the witness when that was put in because it seems to be something that was added at a later date. I don't know whether it is, but that is what it says across the top. I don't know whether my friend wishes to go into that.

7

THE COMMISSIONER: Yes.

8

MR. LAMEK: Perhaps we can now hear from Mr. Brown.

9

10

11

THE COMMISSIONER: Yes, I think - I don't want to have too many questions on it if you are going to have objection to the document itself.

12

13

MR. BROWN: Oh, no. I have read the document and I have no objection.

14

THE COMMISSIONER: No. All right.

15

16

MR. BROWN: It is simply that we hadn't seen this document before and I simply wanted the opportunity to peruse it.

17

18

19

THE COMMISSIONER: Yes. All right.

MR. LAMEK: Maybe we can mark it then as the next exhibit.

20

21

THE COMMISSIONER: Yes. We will mark it as an exhibit.

22

MR. LAMEK: Then we can ask questions about it with impunity.

23

24

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THE COMMISSIONER: All right. 353.

---EXHIBIT NO. 353: Copy of Notes made by  
Nurse Johnstone.







14feb84  
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DMrc

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Q. Perhaps, Miss Johnstone,  
before we do go any further let me finish where I  
am, or we are going to have so many loose ends  
hanging around and we will never be able to pick  
them all up again. Let us go on just for a moment  
with the question of the digoxin which had not been  
locked up. Did you regard the explanation given  
to you by Nurse Trayner as a satisfactory explana-  
tion for the dig. not being locked up at 12:30 in  
the morning?

A. No, I didn't. I said there  
was no reason why she couldn't get the keys; we will  
get them as we go around seeing the rest of the  
children.

Q. And did you do so?

A. Yes.

Q. And before you left the ward  
did you see the digoxin locked up?

A. I didn't see her locking the  
digoxin up, but I assumed that she had locked it up.

Q. Was there any other area of  
the Hospital, ward, or part of the Hospital that you  
visited that night where you found that the digoxin  
had not been locked up?

A. I was told by Mrs. Ross that





1  
F2 2 the digoxin in the recovery room had not been  
3 locked up and the Out-Patient Clinic Department.  
4 So I went down to ICU where the nurse from the  
5 recovery room was relieving and I went with her  
6 and we locked up the dig. in the recovery room.  
7 I didn't do anything about the Medical Out-Patient  
8 Department because they were closed by the time  
9 I came on and they would lock up whatever they had  
there.

10 Q. Mrs. Ross apparently was  
11 aware that in those areas of the Hospital the lock-up  
12 order had not been carried out?

13 A. That's right.

14 Q. Did she tell you that 4A was  
15 also a place where the digoxin had not yet been  
locked up?

16 A. No, she did not.

17 Q. And I take it therefore that  
18 it came as a surprise to you to find that it had not  
19 been locked up?

20 A. Yes, it was.

21 Q. Were you disturbed by that?

22 A. Yes.

23 Q. Why?

24 A. Just simply because they had  
25





Johnstone  
dr.ex. (Lamek)

F3 1  
2 been asked to lock it up and they hadn't carried  
3 through their responsibility.

4 Q. May we go through the  
5 question that Mr. Percival raised a moment ago,  
6 can we look at your notes please.

7 A. Yes.

8 Q. Can we look first at the  
9 first page, and indeed there are three dates on the  
10 top left-hand part of the first page; in the corner  
11 there is Sunday, March 29th underlined; a little  
12 lower down, "Re March 21, 1981", and then March 27th  
13 and what looks like a telephone number. Now, can  
14 you tell me, I can understand the "Re March 21" line --

15 THE COMMISSIONER: Not to me it doesn't  
16 look like a telephone number, 0850 it starts with.

17 MR. LAMEK: Oh, isn't that a telephone  
18 number?

19 THE COMMISSIONER: I don't think any  
20 telephone number starts with a zero - that would get  
21 the operator immediately.

22 MR. LAMEK: All right.

23 Q. If it is not a telephone number  
24 do you know what it is?

25 A. I just noticed that myself  
right now when you brought it up. It looks like a







F4

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time.

3

Q. Oh, all right, 0850 to 0855 in

4

the morning?

5

A. Right.

6

Q. I'm sorry, it is not a tele-

7

phone number then, all right. Why isn't it 0850 to

8

0855? Now you see it can't be a time. Can you

9

tell me please the significance of the dates March

10

29th and March 27th? What do they mean on these  
notes?

11

A. Sunday, March 29th is when

12

I sat down to write some notes about an interview I  
had had with the police.

13

14

Q. Do you recall when that

interview had been?

15

A. Can I just look at my

16

schedule and I can tell you?

17

MR. PERCIVAL: If this will help you,

18

Mr. Commissioner, the interview of Miss Johnstone

19

took place between 7:55 a.m. and 9:30 a.m. on

20

March 27th, at least according to the information  
that I have.

21

THE WITNESS: That is a Friday.

22

MR. LAMEK: Q. You think that is what

23

the March 27th date signifies on the first page of

24

25







F5 2 these notes?

3 A. Yes, sir.

4 THE COMMISSIONER: I am sorry, when  
5 did it end, did you say?

6 MR. PERCIVAL: March 27th from 7:55  
7 a.m. to 9:30 a.m., and it was Sgt. Sangster.

8 MR. LAMEK: We don't know the  
9 significance then of the time.

10 MR. PERCIVAL: All I am trying to do  
11 is give you the information I have, Mr. Commissioner.  
12 I am sorry.

13 MR. LAMEK: Q. So your recollection  
14 is these notes were written, or at least the first  
15 five pages of them, were written on March 29th?

16 A. That's right.

17 Q. Which was the Sunday?

18 A. Right.

19 Q. Now, as Mr. Percival points  
20 out, the sixth page in the bundle of the first  
21 unnumbered pages is headed "Sunday, March 29th - in  
22 retrospect". Can you tell me when that page of  
23 notes was written?

24 A. It was written the same day  
25 as the first five pages.

26 Q. Also on Sunday, March 29th?





F6

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2

A. That's right.

3

4

Q. Did you write the first five pages first and then later have these afterthoughts and come and put them down, or what?

5

6

A. I wrote the first five pages, I wrote these notes to myself just so I could have a record of it, of what I remembered seeing.

7

8

9

Q. Now let's go on then with the chronology of the night of March --

10

11

12

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14

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MR. PERCIVAL: I still do have problems, I'm sorry, Mr. Lamek. You see if that evidence is correct then the second page is marked 2, and after that it talks about after the preliminary hearing. I don't understand, if that is 2, then 1 should be the previous page if there is such a one, and I don't understand it.

16

17

18

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MR. LAMEK: Q. Your recollection as you have told me, Miss Johnstone, is that the page headed "Sunday, March 29 - in retrospect" was written on Sunday, March 29th; is that so?

20

21

22

A. Yes.  
Q. The next page in the bundle is dated Thursday, October 28, 1982 and bears a number 1 in a circle, does it not?

23

24

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MR. PERCIVAL: I don't have that.





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MR. LAMEK: Well, that explains Mr. Percival's dilemma because there is then a page 2 starting, "4A often had more babies than 4B".

Q. Is that right?

A. That's right.

Q. The wonders of the machine have broken down and we will try and get that first numbered page to everybody.

MR. BROWN: I'm sorry, what was that date again?

MR. LAMEK: October 28, 1982.

THE COMMISSIONER: October 28th, the first page after that you say starts what?

MR. LAMEK: The first line on the page with the number 2 in the circle at the top right-hand corner is, "4A often had more babies than 4B".

THE COMMISSIONER: I have solved the whole problem by not having that page.

MR. PERCIVAL: I am glad, Mr. Commissioner, because I thought I was being discriminated against!

THE COMMISSIONER: I think they have been fair! I think that is all I can say. Well, I go from -- I have three pages in that, because I







1  
F8 2 go to a page which I think - "...asking me why  
3 Dr. Fowler took so much blood from the babe".

4 Is that the --

5 MR. LAMEK: It is clear, Mr.  
6 Commissioner, that the system has failed somewhat  
7 and we will have to provide complete copies of these  
8 notes to everybody.

9 THE COMMISSIONER: Yes. All right.

10 MR. LAMEK: Q. At least you and I  
11 have a complete set, Miss Johnstone, and we can have  
12 a clear conversation here that no one can follow.

13 What time did you leave 4A/B after  
14 that first visit?

15 A. Probably some time between  
16 quarter after one and 1:30.

17 Q. I take it you made rounds on  
18 4B as well?

19 A. That's right.

20 Q. Was the digoxin locked up  
21 on 4B?

22 A. Yes.

23 Q. And you left the cardiology  
24 service, I'm sorry, at what time? About 1:30 did  
25 you say?

A. Yes.





1  
F9 2 Q. Where did you go from there?  
3 A. I can't remember if I went  
4 up to 7G first or I went down to ICU first.  
5 Q. You went to the other parts of  
6 the Hospital within your area that night?  
7 A. That's right.  
8 Q. Did you return to Ward 4A/B  
9 later on the shift?  
10 A. I did. I returned some time  
11 between 3:00 and 3:30.  
12 Q. And what did you do when you  
13 got there?  
14 A. I went into the back of the  
15 nursing station and I had a cup of coffee with the  
16 nurses that were there.  
17 Q. Who was there?  
18 A. Miss Nelles, Mrs. Bell, Mrs.  
19 Christie, and I can't remember if there was anyone  
20 else there.  
21 Q. You do recall Nelles, Bell  
22 and Christie, and were they at the nursing station  
23 when you arrived back on the ward?  
24 A. They were in the back of the  
25 nursing station, yes.  
Q. Now Nelles we know was assigned





Johnstone  
dr.ex. (Lamek)

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to provide constant care nursing to Justin Cook that night. As I understand it when a constant care nurse takes a break or leaves the room she has to find someone to relieve her.

A. That's right.

Q. Do you know who was relieving Nurse Nelles with Justin Cook?

A. Phyllis Trayner was.

Q. Do you know, or did you learn whether Nurse Nelles was on a coffee break or a lunch break or what was she doing out there?

A. She was having some coffee and that's it.

Q. And you don't know how long she had been there before you arrived?

A. No, I don't.

Q. You say you arrived between somewhere around 3:00 to 3:30?

A. Yes.

Q. Are you able to be any more precise than that?

A. I can't give you an exact time, no.

Q. I'm sorry?

A. I can't give you an exact time.





F11

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I know it was some time between 3:00 and 3:30.

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Q. Now again let me refer you to the notes that you just filed, and that is on the first page -- I'm sorry, it is on the second page which I believe everybody to have.

THE COMMISSIONER: The first second page?

MR. LAMEK: The second page in the bundle that you have, sir.

THE COMMISSIONER: No. There are apparently two second pages.

MR. LAMEK: This is under the date of March 29th.

Q. In the middle of that page you recorded on Sunday, March 29th, that you returned to 4A and B at approximately 3:00 a.m.

A. Yes.

Q. Is that of assistance to you in helping you to recall approximately when you arrived on the ward?

A. Just that I was there between 3:00 and 3:30.

Q. Is it fair to suggest, Miss Johnstone, that the time of your arrival was likely closer to 3:00 than 3:30, otherwise I assume you







F12 1  
2 would have said, I arrived there at approximately  
3 3:30?

4 A. Yes.

5 Q. Is that fair?

6 A. That's fair.

7 Q. It may have been as late  
8 as 3:15, that order of time; is that what your  
9 recollection is?

10 A. Yes.

11 Q. And at the time Nurse Nelles  
12 was at the nursing station you did not know how long  
13 she had been there, and Nurse Trayner was relieving  
14 her with Justin Cook in 418?

15 A. Yes. I asked where Phyllis  
16 was and they told me.

17 Q. We know Mrs. Christie was not  
18 in 418 because you saw her at the nursing station  
19 too?

20 A. That's right.

21 Q. Did you see Janet Brownless  
22 at all when you arrived at the nursing station at  
23 around 3:15, let us say?

24 A. At the nursing station?

25 Q. Did you see her there or any-  
where else when you arrived?





1  
F13 2 A. I can't recall seeing her  
3 when I arrived.  
4 Q. You don't know where she was  
5 at that time?  
6 A. No, I don't.  
7 Q. She could have been in Room  
8 418 looking after the children she had there; she  
9 could have been somewhere else; you don't know?  
10 A. I don't know.  
11 Q. And did you join Nurses Bell,  
12 Nelles and Christie for coffee at the nursing station?  
13 A. Yes, I did.  
14 Q. And you sat and chatted with  
15 them for a few minutes?  
16 A. That's right.  
17 Q. Do you recall what you were  
18 talking about?  
19 A. Nothing specific. I did  
20 ask Susan how Justin had been since I had been there  
21 earlier.  
22 Q. Yes.  
23 A. And she said that he had been  
24 okay; he had been stable and he was sleeping  
25 comfortably, and then I just think we talked about  
nothing.





1  
F14 2 Q. That is easy to do in the  
3 small hours of the morning, I guess. Why had you  
4 gone back to 4A/B at that time?

5 A. I went back because the  
6 girls had said to me, come back and have coffee  
7 later, and I said I would. I just -- I had started  
8 going back to the ward more frequently than before.  
9 When we started this increase in the number of  
10 deaths, I would go back sometimes three and four  
11 times during the night.

12 Q. Would you make a point of  
13 doing that?

14 A. Yes.

15 Q. Going there as frequently as  
16 you could during the course of your shift?

17 A. Yes.

18 Q. Do you recall whether it was  
19 on this occasion, about 3:15 or so in the morning,  
20 that you took the two vials of Inderal that you  
21 got from the 7th floor?

22 A. I can't recall, but I feel  
23 that I took it back sooner than that because I had  
24 told -- I had been told that there wasn't any left  
25 on the ward and if a need should arise it would be  
there rather than having to run to get some later.







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Q. You have no particular recollection of being on the ward between the 12:30 rounds and this 3:15 visit?

A. No.





G/BM/ak

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Q. Now, how long were you there -  
did Miss Nelles leave at some point in time?

A. Yes, she left about 5 minutes  
after I was there and went back into the room, into  
418 to look after Justin and Mrs. Trayner came out  
to the nurses station.

Q. Okay, 5 minutes is your  
best estimate?

A. 5 to 10, yes.

Q. 5 to 10. Were you paying  
particular attention to the passage of time or what  
time it was?

A. Not particularly. I think I  
looked at the clock at one point and it said 20 after  
3 but I can't say if that's when the two changed  
or what.

Q. All right.

A. I think I looked at the clock  
just to know what time it was so I would know where  
I was at with my duties for the night.

Q. Sure. But your recollection  
now is that 5 or 10 minutes after you arrived Susan  
Nelles left to go back to Room 418?

A. That's right.

Q. And at that stage did





1

2

Mrs. Trayner come out of 418 to the nursing station?

3

A. Yes, she did.

4

Q. All right. And did you have

5

a conversation with her then?

6

A. I asked her how things were on

7

the ward.

8

Q. Yes.

9

A. I said I had spoken to Susan

10

about Justin and she went and got a cup of coffee and  
we sat down for a few minutes together.

11

Q. Okay. Do you know whether

12

by this time the digoxin was locked up on 4A?

13

A. I assumed that it was.

14

Q. But you didn't check?

15

A. No, I didn't ask.

16

Q. And you didn't ask?

17

A. No.

18

Q. All right, what happened then?

19

A. Phyllis and I got up and she

20

told me she was going to check her charts, which

21

she was doing in the front of the nurses station,

22

and I was going to go on my way back to nursing office.

23

Q. What's your best recollection

24

of the amount of time that elapsed between Phyllis

25

Trayner's coming out to the nursing station and her





Johnstone, dr.ex.  
(Lamek)

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later getting up and saying she was going off to check the charts. How long were you sitting talking to her?

A. Probably 10 to 15 minutes.

Q. 10 to 15 minutes, okay. And then what happened?

A. As we were walking to the front of the nurses station Susan called out for Phyllis to come in right away.

Q. From 418?

A. That's right.

Q. Yes.

A. So, Phyllis went in and I went in right behind her and Justin Cook was in some distress. He was very cyanosed and he appeared to be seizing. So, I went out to the nurses station and I put in a call for Dr. Kantak to come right away to 4A because Justin Cook was in trouble.

Q. Yes.

A. And he came, he was in there, he came in to 418 within a minute or 2 minutes, it wasn't very long.

Q. Okay. Can I just interrupt your account of that for a moment. We know from the chart, and I would be glad to have it put in front







1  
2 of you if it would be helpful, that Nurse Nelles  
3 caring for Justin Cook at that time recorded her  
4 observation of his becoming very cyanosed and so on,  
5 getting into distress at 3:45 in the morning. Is  
6 that consistent with your recollection of the time  
7 when she called for help?

8 A. I think so, yes.

9 Q. Okay, thank you. So, Dr. Kantak  
10 came and what happened then?

11 A. He came into the room and  
12 he gave Justin some Inderal from the syringe that  
13 was taped at the end of the bed.

14 Q. Yes.

15 A. And Justin didn't appear to  
16 improve after that.

17 Q. He did or did not?

18 A. He did not.

19 Q. All right.

20 A. So, Dr. Kantak went out to  
21 call Dr. Jedeikin, he said, he came back into the  
22 room and we asked him what Dr. Jedeikin had said and  
23 he said to give him another dose of Inderal. So,  
24 he gave him a second dose. I think it was from the  
25 same syringe.

Q. When you say "we" you mean "he",





1

2

he, Dr. Kantak administered the dose I take it?

3

A. Did I say we?

4

Q. I thought you said we.

5

A. He.

6

Q. Okay. And he gave a second

7

dose of Interdal?

8

A. Yes.

9

Q. Did he use the same syringe as

he had used for the first one?

10

A. I think so.

11

Q. Okay.

12

A. I wasn't standing right at

13

the bedside, I was standing back a little bit, so,

14

I didn't...

15

Q. Okay. Was Baby Cook hooked up

to a cardiac monitor at that time?

16

A. Yes, he was.

17

Q. Did you make any observation

18

of what the monitor was recording?

19

A. His heart rate was ~~f~~<sup>s</sup>lowing and

20

I felt that someone else needed to be there.

21

Q. All right. And by someone else

what do you mean?

22

A. By someone more senior to him.

23

Q. To Dr. Kantak?

24

25





1

2

A. Yes.

3

4

Q. Okay. So, what did you do about that?

5

6

A. I asked him if I should put in a call for the associate resident.

7

Q. Yes.

8

9

A. And initially he said he didn't think it was necessary and I felt that it was, so, I insisted and he finally said okay. And when I was going out of the room to put in the call Dr. Jedeikin came up the hallway from 4B.

10

11

12

Q. All right. I take it you were pleased to see Dr. Jedeikin?

13

14

A. Yes.

15

Q. And in those circumstances did you in fact call the associate chief resident?

16

17

A. I didn't, because Dr. Jedeikin was there.

18

19

Q. Okay. And what did he do?

20

A. He went into the room and he asked if some atropine had been given.

21

Q. Yes.

22

A. And I think Dr. Kantak said no. So, he asked for some atropine.

23

24

Q. Did you follow Jedeikin back

25







1

2

into the room?

3

A. Yes, I did.

4

Q. Did you take anything in with

5

you?

6

A. The arrest cart.

7

Q. You pushed the arrest cart into

8

418 at that time. I'm not challenging you, I just  
want to be sure what you are telling me.

9

A. I'm not sure if I took it in

10

when he came or if I had taken it in before he

11

arrived.

12

Q. But not later than the time of

13

Dr. Jedeikin's arrival you had taken the crash cart  
into 418?

14

A. That's right.

15

Q. Now, no arrest had been called

16

at that time?

17

A. No, it hadn't.

18

Q. Why did you think it

19

appropriate to take the crash cart in at that time?

20

A. Just that there are some drugs

21

available on the cart that might be needed. Like,  
atropine is kept on the crash carts.

22

Q. Were you fearful that Justin

23

Cook was going to suffer a cardiac arrest?

24

25





1

2

A. I was concerned that he wasn't  
improving with the Inderal as he apparently had at  
6:00 in the evening. So, I had some concerns, yes.

5

Q. Okay. So, we now have Jedeikin  
in the room with the child, the crash cart is in  
there, you were back in the room.

7

A. Yes.

8

Q. I take it Nurse Nelles was  
there?

9

10

A. Yes.

11

Q. Who else was there?

12

A. Phyllis Trayner and Mrs. Bell.

13

Q. Okay. Did you notice whether  
either of Mrs. Christie or Janet Brownless were in  
the room at that time?

14

15

A. I think that Janet Brownless  
was there on the other side of the room feeding one  
of the babies.

17

18

Q. Okay. Do you recall seeing  
Mrs. Christie there?

19

20

A. I don't recall her coming into  
the room. She had been in the back of the nurses  
station, I don't recall her coming into the room.

21

22

Q. And what happened then?

23

A. Dr. Jedeikin came into the

24

25





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4

5

room and looked at Justin and he seemed concerned and he asked to get the anaesthetist up so that they could intubate the child and get him stabilized and send him down to the ICU.

6

Q. Okay. Had arrangements been made to send the child to the ICU?

7

8

A. He had asked for someone to call the ICU fellow.

9

10

Q. And who did that?

A. I did.

11

12

Q. Okay. Did Dr. Jedeikin speak to the fellow in charge of the ICU?

13

14

A. Yes. I went into the room and told him he was on the line and he went out to speak to him.

15

16

Q. And were arrangements made to transfer Cook to the ICU once he became stable?

17

A. Yes.

18

Q. Okay. Then what happened?

19

20

A. In the process of the intubation of the child, the child went into cardiac arrest and a 25 was called and the whole team came.

21

22

Q. All right. Now, when that Code 25 was called did the other supervisor in the Hospital come to 4A/B?

23

24

25





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A. Actually, I think I had called -  
when Justin started getting into trouble at around  
a quarter to 4:00, whenever it was, I had called  
Kathy Coulson and asked her to come down to 4A  
because I was concerned about one of the children.

Q. So, that was before the arrest  
was called you had contacted Kathy Coulson and asked  
her to come to 4A?

A. Yes.

Q. Was that a usual thing for you  
to do?

A. No, I think I just did it because  
I was concerned about the child and the course of  
events that had happened in the evening.

Q. When you say the course of  
events, do you refer to anything in particular?

A. The locking up of the dig.

Q. And I guess all against the  
backdrop of the thought that had come to you at the  
beginning of the shift?

A. That's right.

Q. All right. And was it for that  
reason that you were concerned, the course about  
the child but also about the possible significance  
of this development, was it for that reason that you







1  
2  
3 called Kathy Coulson to come to the 4th floor?

4 A. Yes.

5 Q. Okay. And did she arrive?

6 A. Yes, she did.

7 Q. Was she there before the  
8 arrest team arrived?

9 A. She arrived just around the  
10 same time as the arrest team did.

11 Q. I take it the defibrillator  
12 cart came up from the emergency department?

13 A. The emergency department  
14 brought that up, yes.

15 Q. All right. And the resuscitation  
16 effort proceeded?

17 A. Right.

18 Q. Did you stay until the child  
19 was pronounced dead?

20 A. No, I didn't. I left Kathy  
21 Coulson in charge of the arrest and Mrs. Richardson  
22 had also arrived and because the child was going to  
23 be transferred down to ICU and because of the staffing  
24 in the unit I asked Mrs. Richardson to leave her  
25 stuff with us, her tour end reports with us and  
would she go down to ICU because she would be looking  
after the child when he got down to ICU.





1

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12

3

Q. Okay. So, you sent her down there in anticipation of his going?

4

A. That's right.

5

6

7

Q. All right. So, she had gone, Coulson was there and you were there and then you left. Approximately what time did you leave?

8

9

A. Probably around 4:30. Again, I can't give you an exact time.

10

11

Q. And why did you feel it appropriate to leave?

12

13

14

15

16

A. I left because I had to be back to the nursing office before 5 o'clock to straighten out the staffing for the next day as far as the number of relief people we would need and the relief people start calling in at 5:00 in the morning to see if they are needed or not.

17

18

Q. So, whoever is in charge has to have the staffing requirements all set by 5 o'clock in the morning?

19

20

A. That's right.

21

22

Q. Okay. So, you left Kathy Coulson in charge of the nurses involved in the arrest procedure?

23

24

25

A. Yes.

Q. And you went back to the nursing





1

2

station?

3

A. Yes.

4

Q. Did you subsequently learn that  
Justin Cook had died?

5

6

A. Yes, Kathy Coulson had told me.

7

Q. Did she come to tell you or  
did she telephone you or what, what happened?

8

9

A. I think she came and told me.

10

Q. Okay. Do you have a clear  
recollection of that?

11

12

A. That' how I thought I heard  
about it, was the fact that she came over to the  
office and told me.

13

14

Q. Okay. And was that shortly  
after the child had been pronounced dead?

15

16

A. Yes, it was around 5 o'clock.

17

Q. Okay. Did you and she have  
any discussion at that time about that arrest and  
that death in the context of the concerns that you  
both now were entertaining?

18

19

20

A. She just came over and told  
me that the child had died and she was going back to  
4A to help the nurses.

21

22

23

Q. All right. Now, did you later  
in the shift some time after 5 o'clock in the morning

24

25







14  
1  
2  
3 return to Ward 4A?

4 A. I did go over to 4A to see  
5 how the nurses were, to make sure that they were...

6 Q. Okay, what time was it when you  
7 went back there?

8 A. I think around 6:30.

9 Q. Shortly before the end of  
10 your shift?

11 A. That's right.

12 Q. Shortly before the end of  
13 their shift too, obviously?

14 A. That's right.

15 Q. And whom did you see there?

16 A. As I was going up the south  
17 corridor Mrs. Trayner was coming towards me and she  
18 seemed very agitated.

19 Q. When you say up the south  
20 corridor you mean from the direction of the elevators?

21 A. That's right.

22 Q. Coming up, down this black  
23 passage of the corridor there?

24 A. Yes.

25 Q. All right, you saw Phyllis  
Trayner. Where was she?

A. She was walking towards me in





1

2

that south corridor.

3

Q. Yes.

4

A. And she seemed very agitated

5

and I asked her what was wrong and she said why did

6

Dr. Fowler take so much blood from Justin Cook and

7

I said I didn't know and she was very insistent on

8

why did he take so much and what was he looking for

9

and I just said to her I did not know, that she

10

should have asked him if she was that concerned.

11

Q. Had you been aware that blood

12

had been drawn from Justin Cook both during the

arrest and following the arrest?

13

A. I knew that blood had been

14

drawn during the arrest because it is always done

15

but I did not know until she told me that there had

16

been more blood taken from the child after the arrest.

17

Q. All right. She appeared

18

concerned you say about the volume of blood that

had been taken?

19

A. That's right.

20

Q. Did you ask her how much had

21

been taken?

22

A. I asked her how much and she

said 50 cc.

23

Q. It does sound like a large amount.

24

A. It is.

25





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EMT/PS

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Q. Was it a volume that you found credible at all, 55 cc.'s?

A. What do you mean by "credible"?

Q. Well, could you believe that 50 cc.'s would be drawn from the child?

A. Well --

Q. For any reason?

A. I felt it was a lot, but I wasn't absolutely sure what they were looking for so they would need a volume of blood.

Q. Did you understand or did she tell you that she, Nurse Trayner had been present when the blood was drawn from Justin Cook?

A. I don't think she told me. She just was insistent on wanting to know why they had taken so much and what they were going to do with it.

Q. You say she appeared agitated. How did that manifest itself?

A. She just appeared very anxious and she looked worried.

Q. Is that the extent of the conversation that you had with Nurse Trayner at that time?

A. At that time I think so, yes.

Q. You say she met you in the corridor?





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23  
24  
25

A. Right.

Q. Was she going somewhere or did she --

A. I don't know.

Q. Or did she appear to notice you and come towards you? What happened?

A. I don't know if she was going somewhere or not. I just, as I was going up the hall I happened to look up and she was coming towards me.

Q. Did she appear to want to talk privately to you?

A. She didn't say that she --

Q. Did you get that impression?

A. She didn't say she wanted to talk privately. She was, you know, forthcoming with the information as soon as I was close enough. It didn't appear that she wanted to talk privately.

Q. In fact where did the conversation take place, in the corridor, or did you head back towards the nursing station?

A. In the south corridor we stopped for a couple of minutes and she said what she had to say and then we started walking again towards the nurses' station.

Q. When you were not able to answer







1

2

her questions did she appear to grow any calmer or did she continue to be -- to appear anxious and agitated?

3

4

A. She still appeared concerned, but I told her I couldn't give her any answer. I did not know why they took the blood.

5

6

7

Q. Do you know -- did she tell you whether she had asked the doctors why they were drawing so much blood?

8

9

A. I don't recall her asking me that, telling me that.

10

11

Q. All right. Did you then go on to the ward and to the nursing station?

12

13

A. Yes. I went up to the nurses' station.

14

15

Q. Who was there?

16

A. Mrs. Bell, Susan Nelles and I asked Susan how she was and she said that she was okay.

17

18

Q. One other thing before we get into that conversation, and perhaps we can get into it after the break, Mr. Commissioner.

19

20

THE COMMISSIONER: Yes.

21

22

MR. LAMEK: Q. But just one thing before we do: when you were made aware by Nurse Trayner that volumes of blood had been drawn from Justin Cook, did you make an association with that and

23

24

25





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the thought that you had had earlier in the shift  
of possible digoxin involvement?

3

4

A. Yes. I thought that they were  
taking blood for digoxin levels but they would not  
necessarily need 50 cc.'s for --

5

6

Q. No, of course not --

7

8

A. For a digoxin level. They may  
be looking for something else.

9

10

Q. Were you aware that digoxin had  
not been prescribed for Justin Cook?

11

A. No.

12

Q. You didn't know that?

13

A. No.

14

Q. Did you share your belief as to  
at least a partial reason for drawing the blood with  
Phyllis Trayner?

15

16

A. No.

17

18

Q. You did not tell her you thought  
that might be part of the reason for drawing the blood?

19

A. No.

20

MR.LAMEK: Okay. Perhaps we could  
break there, Mr.Commissioner?

21

THE COMMISSIONER: All right.

22

MR. LAMEK: And continue afterwards?

23

THE COMMISSIONER: 20 minutes.

24

25





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---Short recess.

3

THE COMMISSIONER: Yes, Mr. Lamek.

4

MR. LAMEK: I am glad to tell you, sir,  
I have a revised version of Miss Johnstone's notes  
and they have been distributed to counsel. Perhaps  
I could ask that this one be substituted for the  
truncated version of the earlier lot that was an  
exhibit.

8

9

THE COMMISSIONER: Yes, all right.

10

MR. LAMEK: I had not intended to  
expurgate this.

11

12

THE COMMISSIONER: Yes, thank you.

13

---(Whereupon new Exhibit 353 is received in evidence.)

14

MR. LAMEK: Q. When we broke --

15

THE COMMISSIONER: There was a page but  
I guess it had nothing to do with it at all. This  
page that I got on the first effort, and it seems  
to be just a list of the babies --

16

17

18

19

MR. LAMEK: You are talking about the  
computer printout page.

20

THE COMMISSIONER: Yes.

21

22

23

24

25

MR. LAMEK: I believe that to be the  
page upon which are identified the arrests at which  
Miss Johnstone was present. Is that right, Miss







6      2      Johnstone?

3                      THE COMMISSIONER: Well, that is not  
4      in the new --

5                      MR. LAMEK: It really forms no part  
6      of the notes.

7                      THE COMMISSIONER: No, all right. I  
8      see.

9                      MR. LAMEK: Q. When we broke, Miss  
10     Johnstone, we had you having the conversation that  
11     you have told us about with Nurse Trayner, and then  
12     I think you said you went to the nursing station fol-  
13     lowing that conversation? This is at 6:30 in the  
14     morning, is it?

15                     A.     Yes. I went on further up the  
16     hallway to the nurses' station and --

17                     Q.     Whom did you see there?

18                     A.     I spoke with Susan Nelles, ask-  
19     ing her how she was.

20                     Q.     For how long did you speak to  
21     her?

22                     A.     Probably only about a five  
23     minutes. Not very long.

24                     Q.     How did she appear to you?

25                     A.     She seemed to have settled  
26     down a little bit. She didn't -- she didn't seem as





1

2

distressed as she did earlier when the child had  
arrested.

3

4

Q. Yes. How did she say that she  
was?

5

6

A. She said that she was okay.  
She said, "I am all right now."

7

8

Q. Did she appear to be sad or  
how did she appear to be affected by the experience?

9

A. She was sad.

10

11

Q. Did she express to you any con-  
cern that blood had been taken from Justin?

12

13

A. I don't remember Susan saying  
anything about it at all, no.

14

15

16

Q. Do you remember anybody else  
on 4A or 4B at the time of your 6:30 visit who expressed  
any concern or appeared to have any anxiety that  
blood had been drawn from Justin Cook?

17

18

19

A. I can't say for sure. Mrs.  
Bell may have said something to me, but I can't  
say for sure.

20

21

Q. Do you have any recollection of  
her being apparently upset that blood was drawn?

22

A. Who?

23

Q. Mrs. Bell.

24

25

A. I think she was anxious, worried





8

1

2

about why it had been done.

3

Q. Yes. Were you surprised that

4

Justin Cook died when he did?

5

A. Yes, I was.

6

Q. But he had been on the tour and

report when you came on duty that night?

7

A. Yes.

8

Q. He was obviously a very sick

9

child.

10

A. That is right.

11

Q. Why then were you surprised that

12

he died when he did?

13

A. I just -- I knew that he was

14

an ill child and he had had some blue spells during

15

the day, but it was just -- I didn't expect him to

16

die.

17

Q. Is that on the basis of your

18

observation of him when you made rounds at 12:30,

19

1:00?

20

A. Yes.

21

Q. And from what -- I take it

based also on what you had heard from Susan Nelles

22

at the time of those earlier rounds.

23

A. That is right.

24

Q. And I take it certainly from your

25

25





1

2

3, 3:15 visit in the morning, he had apparently been  
all right until 3:45.

4

A. That is right.

5

Q. Were you surprised by the  
suddenness with which he deteriorated?

6

A. Yes.

7

8

Q. All right. Did you administer  
any medication of any kind to Justin Cook on the  
night of March 21-22?

9

10

A. No.

11

12

Q. Did you see anybody other than  
Dr. Kantak and Dr. Jedeikin administer any medication  
of any kind to that child prior to the calling of the  
Code 25?

13

14

A. No, I didn't.

15

16

Q. All right. Now, can we move  
backwards in time then to the night preceding that  
on which Justin Cook died and go to Friday night,  
March 20th, and again you were on duty.

17

18

19

A. Yes.

20

21

Q. And we know as you have told  
us already that you were the senior supervisor on  
duty that night and therefore you had responsibility  
for the entire hospital.

22

23

A. That is right.

24

25

9







1  
2 Q. You had working with you  
3 MissCoulson and Mrs. Richardson?

4 A. That is right.

5 Q. And it was Mrs. Richardson whom  
6 you designated to supervise, among other parts of  
7 the hospital, Wards 4A and 4B?

8 A. Yes.

9 Q. Did you review the tour end  
10 report on the 4A/B patients when you came on duty  
11 on the Friday night?

12 A. I am not sure. I can't say.

13 Q. Did you have any understanding  
14 as to the condition of Allana Miller when you began  
15 your shift on Friday night?

16 A. I didn't know anything about  
17 the child.

18 Q. Do you have any information as  
19 to whether she was named on the tour end report when  
20 you came on duty?

21 A. I don't know.

22 Q. Did you visit Wards 4A and 4B  
23 at all that night?

24 A. Just when the cardiac arrest  
25 was called.

Q. Prior to the arrest of Allana





1

2

Miller then you were not on those wards at all on  
that shift?

3

4

A. No.

5

6

Q. Do you know whether Mrs.  
Richardson did rounds including 4A and B earlier in  
the shift at 12:30, 1:00, that sort of time?

7

8

A. I don't know.

9

10

Q. I take it from that then Mrs.  
Richardson made no report to you of any visit to that  
ward that she had made?

11

12

A. The first time I saw Mrs.  
Richardson after we left nursing office was when the  
arrest was called.

13

14

15

Q. You heard a Code 25 called for  
Ward 4A shortly before 3:00 in the morning, I take  
it?

16

17

A. Yes.

18

Q. Or about 3:00 in the morning?

19

20

A. Right.

21

Q. And I understand when a Code  
25 is called it goes out over the PA system in the  
hospital. The call is made from the ward to the  
switchboard.

22

23

A. That is right.

24

Q. And the switchboard over the PA

25





1

2

system says Code 25 or number 25 with the ward which  
is involved.

3

4

A. That is right.

5

Q. Does not name the child.

6

A. No.

7

Q. Does not identify the room.

8

A. No.

9

Q. By number?

10

A. No.

11

Q. It merely gives the number 25

with the ward number.

12

A. That is right.

13

Q. Where were you when you heard

that Code 25 for 4A?

14

A. I can't say for sure.

15

Q. Did you have any feeling as to

16

the patient for whom that code might be called?

17

A. I had no idea.

18

Q. And you went to Ward 4A?

19

A. Yes.

20

Q. Immediately upon hearing that

code called?

21

A. Yes.

22

Q. When you got there I take it

23

that you were directed to Room 423 which was Allana

24

25







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2

Miller's room?

3

A. That is right.

4

Q. Who was there?

5

A. Susan Nelles was there, Phyllis Trayner, Mrs. Bell. There was another nurse from 4B there but I am not sure who it was. If I could have a look at the WIN sheet I could make a guess.

8

9

Q. Well, would it be only a guess with the WIN sheet because if it would only be a guess we won't bother.

10

11

A. I know there were two other people on, but I don't know which person it was.

12

13

14

15

16

Q. Looking at the week of March 20th it appears that the WIN sheet for 4B for the week of March 16th to March 20 shows that on the Friday night, Mrs. Bell, Miss Reaper and Mrs. Lance were on duty.

17

A. And Mrs. Whittingham.

18

Q. And Mrs. Whittingham.

19

Does that help you to recall?

20

A. I think it was Miss Reaper.

21

Q. Okay. But you are not sure of that I take it.

22

A. Not a hundred per cent.

23

Q. Was the arrest team already

24

25





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2

there when you arrived?

3

A. Yes, they were.

4

Q. Was Miss Coulson there?

5

A. I am not sure who got there  
first, myself or Cathy.

6

Q. All right.

7

8

A. But we were both there during  
the arrest.

9

10

11

12

13

Q. You were both there during the  
arrest. All right. Do you recall anything unusual,  
out of the way, out of the ordinary, remarkable,  
that occurred during the time that you were in  
Allana Miller's room?

14

A. No, I don't think so.

15

16

17

Q. If I could put it this way  
without sounding too cynical, it was apparently a  
normal straight forward resuscitation effort, was  
it?

18

A. Yes.

19

20

Q. Did you stay there until the  
child was pronounced dead?

21

A. I don't think so. I am not  
sure.

22

23

24

25

Q. But if you left, did Miss  
Coulson remain?





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2

A. She probably would have, yes.

3

I would have said something to her if I was leaving.

4

Q. Okay. Following that arrest did

5

you talk to any of the nurses from either 4A or the

6

4B team during the rest of the shift?

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A. I spoke with Mrs. Trayner and Susan Nelles, I always speak to the nurses after the arrest just to see how they are coping with what has happened.

Q. Was that some time after the arrest?

A. It would be later in the morning, yes.

Q. Well, more towards the end of the shift?

A. That's right.

Q. Much as you had gone back to 4A at about 6:30 morning on the night of the 21st and 22nd?

A. That's right.

Q. Did you see Nurses Trayner and Nelles when you returned to the ward for that purpose?

A. Yes, I did.

Q. Did you have any conversation with them?

A. I just asked them if they were okay.

Q. What did they say?

A. They said they were all right but they were concerned that there had been an







1

2

arrest but they were handling it as well as they  
could.

3

4

Q. How did they appear to you?

5

A. They appeared upset.

6

Q. I take it there is really not  
very much that you can tell us about the circumstances  
leading up to or surrounding the death of Allana  
Miller?

7

8

9

A. No.

10

11

Q. Were you surprised that that  
child died when she did?

12

A. I don't --

13

Q. Or did you not have any basis  
to be surprised or not?

14

15

A. I hadn't seen the child, so  
you know, I can't say. I had seen her on previous  
admissions to the Hospital.

16

17

18

Q. Let's work backwards again in  
time to the night of March 11/12 when there were  
as you know two deaths, although one of them occurred  
after the end of your shift. That was the night upon  
which Michelle Manojlovich died and Kevin Pacsai got  
into trouble and went to the ICU, you remember that?

19

20

21

22

A. Yes.

23

24

Q. And you were supervising Wards  
4A/4B?

25





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A. Yes, I was.

Q. You came on duty at 11:00 or  
11:15 that night?

A. Yes.

Q. You took the report, the tour  
end report I take it?

A. That's right.

Q. Am I right that each of those  
two children Manojlovich and Pacsai was named in the  
tour end report that night?

A. I think they were, if Pacsai  
was not on the tour end report I certainly put him on  
because of the problems he was having during the  
night with arrhythmias.

Q. You can't quite recall whether  
he was on the report which you received?

A. Right.

Q. But he was certainly on the  
report that you prepared to pass on?

A. That's right.

Q. When did you first visit Wards  
4A/4B that night?

A. Again it would probably be  
around 12:30.

Q. You made a round of the wards





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2

at that time?

3

A. Yes, I did.

4

Q. The team leader on 4A that

5

night was Phyllis Trayner again?

6

A. Yes.

7

Q. And on 4B Nurse Bell was not

8

on duty that night, was she?

9

A. No.

10

Q. Do you recall who was the

acting team leader?

11

A. Mary Jean Halpenny.

12

Q. And Pacsai was on Ward 4B in

13

431, do you remember that?

14

A. That's right.

15

Q. And Susan Nelles was relieving

16

on 4B that night was she not and caring for Pacsai

17

together with four other patients who were in another  
room?

18

A. That's right.

19

Q. And Michelle Manojlovich was

20

also on 4B in Room 438 and she was under the care

21

of Nurse Harwood Jones?

22

A. That's right.

23

Q. And you saw both of the children

24

in the course of making rounds of 4B at 12:30 -

25







1

2

1 o'clock in the morning, that sort of time?

3

A. That's right.

4

Q. How did they seem to you?

5

6

7

8

9

A. Michelle was sleeping, she appeared quite comfortable. Kevin was, I think he was asleep too, he did have a heart monitor on and I don't recall seeing any arrhythmias at that point.

10

11

12

Q. Did either of those children at the time you saw them give you cause for concern?

A. No. I wasn't concerned about

Michelle because she had had a fairly good day and the nurses said that she had a good evening also.

13

14

Q. Did you return to 4B later that shift?

15

16

17

A. I went back when the Code was called.

Q. Was a Code 25 called on Baby Manojlovich?

18

19

20

A. That's right.

Q. And was that the occasion of your return to the ward?

21

22

23

24

25

A. I think so, yes.

Q. You don't recall having been back between your initial round and returning when hearing the arrest call.





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A. No, I don't recall.

3

4

Q. When you heard that arrest call, did you have any idea who it was had suffered a cardiac arrest?

5

6

7

A. No, I had no idea until I got there.

8

9

Q. Did it not occur to you that that is Michelle who has got into trouble?

10

A. No.

11

Q. So you went to 4B, and I take it you went immediately you heard the Code called?

12

A. That's right.

13

14

Q. And I take it it was pretty clear that the activity was in Room 438?

15

A. Yes, it was.

16

Q. And that was Michelle's room?

17

A. Yes.

18

Q. The arrest team was there when you arrived?

19

A. Yes, they were.

20

21

Q. And the resuscitation effort was in progress?

22

A. That's right.

23

Q. Do you recall who was in the room?

24

25





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A. Betty Harwood Jones was there because she was Michellé's nurse, Susan Nelles and Phyllis Trayner were there and I think Mary Jean Halpenny was there also because she was the nurse in charge.

Q. She was the acting team leader?

A. Yes.

Q. Do you recall which doctor or doctors were there?

A. Dr. Costigan was there.

Q. Yes.

A. ~~There was an~~ anaesthetist, I don't know the name, and I can't remember who else was there. The surgeons would have been there because they respond to an arrest also.

Q. We know that Nurse Nelles was relieving on 4B that night, so I take it it was not unusual to see her in the room at the arrest?

A. No.

Q. Phyllis Trayner was a team leader on 4A and we have heard it said here that it is not unusual for a team leader from one side to go and attend at the arrest of the other side of the ward.

A. No, it is not unusual.





1

2

Q. Do you agree with that?

3

A. Yes.

4

5

6

7

Q. But was Phyllis Trayner the only 4A nurse, that is the nurse working on 4A that night, who you saw in Michelle Manojlovich's room that night?

8

A. She is the only one I can remember from 4A there.

9

10

Q. What was Nurse Trayner doing?

11

A. Both she and Susan had started resuscitation procedures on the child.

12

13

Q. You mean CPR and that sort of thing?

14

15

A. Yes, one was on one side of the bed and the other was on the other, I think Susan was doing the compressions.

16

17

Q. By compressions you mean pushing on the child's chest?

18

A. Yes.

19

Q. Yes.

20

21

22

A. I am not sure if Phyllis was doing anything, or if the anaesthetist - she could have been standing there with the oxygen ready for the anaesthetist.

23

24

25

Q. Did you stay until the child







1

2

was pronounced dead?

3

A. Yes, I did.

4

Q. Did Phyllis Trayner stay until

5

the child was pronounced dead?

6

A. Yes.

7

Q. And Susan Nelles?

8

A. Yes.

9

Q. And the other nurses that you

10

have identified Harwood Jones and Halpenny?

A. Yes.

11

Q. From the time that you arrived

12

until that child was pronounced dead, did you notice

13

or do you now recall anything that you considered -

14

or considered to be unusual about that arrest?

A. No.

15

Q. When the resuscitation efforts

16

ended and the baby was pronounced dead, did you then

17

leave the room?

18

A. Yes, I did.

19

Q. Were you the only supervisor

20

there?

A. No, Miss James had come to

21

see if she could be of any help.

22

Q. Yes.

23

A. And she was doing some running

24

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like taking samples to the lab and getting things as we needed them for the arrest.

Q. Did she stay throughout the resuscitation?

A. Most of it, I don't think she was there for the whole period of time.

Q. And you left after the child had been pronounced dead?

A. Yes.

Q. Where did you go?

A. I went out in the hallway and I started heading back towards the nurses station and Susan came out of 431 and asked me to take a look at Kevin Pacsai because he was having some arrhythmias and she was concerned.

Q. I take it from that that Susan Nelles had left Manojlovich's room shortly before you did?

A. Yes.

Q. And she was now back with her own baby, Pacsai, in his room?

A. Yes.

Q. And she came out and asked you whether you could go and take a look at him?

A. Yes.





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4

Q. Just before we get on to that,  
what was your reaction to Baby Manojlovich's arrest  
and death?

5

6

7

8

A. I was a bit surprised because  
I didn't expect her to die at that particular time.  
She had had a fairly stable day and evening, and she  
had been fairly stable the day before, so I felt  
that she was improving a bit.

9

10

Q. Did you express that surprise  
to any nurse on the cardiology service that night?

11

12

A. Yes, we all talked about how  
surprised we were that she had arrested.

13

14

Q. Do you recall who in particular  
expressed surprise also at the child's death?

15

16

A. Mary Jean Halpenny, Betty  
Harwood Jones and both Phyllis and Susan.

17

18

Q. I am sorry, we doubled back  
on the chronology. You were asked by Susan Nelles  
to go in and look at Kevin Pacsai?

19

20

A. Yes.

21

Q. Can you just remind me why  
it was that she wanted you to do that?

22

23

A. He was having some arrhythmias  
and she was concerned.

24

25

Q. And you went in and looked at







1

2

the child?

3

A. Yes.

4

Q. What was your impression?

5

A. I was concerned that he was having the arrhythmias also, and since there were doctors there on the ward I went and got Dr. Costigan to come and have a look at the child.

8

9

Q. Was he still in Manojlovich's room?

10

11

12

13

A. Yes, and he came and looked at the child, and he took a strip of the ECG tracing and by this time I think Kevin had settled down a bit, and he said to call him again if we were concerned.

14

15

Q. How long were you in Pacsai's room on that occasion?

16

A. Probably 10 or 15 minutes.

17

Q. Do you recall who was there?

18

A. Susan was there, Susan Nelles.

19

Q. Yes.

20

A. And myself, Dr. Costigan, and I am not sure if Miss Halpenny had come into the room or not.

21

22

Q. Did you then return to the nursing office?

23

A. Yes, I did.

24

25





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Q. Which is on the other side of the 4th floor you told us yesterday. Having then been to 4B for the Manojlovich arrest and having been called as you have told us at Nurse Nelles' request to take a look at Pacsai, and spoken to Costigan; having now returned to the nursing office, did you later in that shift return to 4A/B?

A. Yes, I did. I had a call from Miss Halpenny that they were concerned with Michelle's mother, she was understandably very upset and she had a pair of tweezers and she was trying to pick at her wrists. They wanted me to go over to help to settle her until someone from her family could come.

Q. Had the mother been present at the time of the arrest?

A. No, she had not, she was in the Hospital.

Q. And she was clearly very distraught about the whole thing?

A. Yes, she was.

Q. So you were summoned to see if you could help calm her?

A. Yes.

Q. Were you able to do that?

A. Eventually I was able to get





1  
2  
3 the tweezers away from her and it was in one of the  
4 conference rooms on the south corridor, she was in  
5 there, so I got the girls to make up a bed and I  
6 got her up off the floor and put her into the bed.

7 Q. How long were you on the ward  
8 dealing with Mrs. Manojlovich at that time?

9 A. Half an hour, three-quarters  
10 of an hour.

11 Q. On the occasion of that visit  
12 to the ward did you see Baby Pacsai again?

13 A. I did. I went back to see  
14 how the baby was.

15 Q. What approximate time was this,  
16 please?

17 A. I'm not sure, it was probably  
18 some time around 4:30, 5 o'clock.

19 Q. And so you went in to see how  
20 Pacsai was?

21 A. Yes.

22 Q. How was he?

23 A. Again he was having another  
24 episode of arrhythmias. So we got Dr. Costigan to  
25 come up and see the child again and he made the  
decision to transfer the child down to ICU. The  
nurses themselves, like Susan and Mary Jean were





1  
2 both expressing concerns and they were asking him if  
3 the child could not be transferred down to the ICU.

4 Q. And arrangements were made for  
5 that transfer?

6 A. Yes, they were.

7 Q. Did you stay until the child  
8 left the ward to go to the ICU?

9 A. I wasn't on the ward when the  
10 child left to go to the ICU. I had gone back to the  
11 nursing office to tell my supervisor what had gone  
12 on, and then I went back to 4B and the child had  
transferred down to the ICU.

13 Q. He had already gone by the  
14 time you got back?

15 A. That's right.

16 Q. Did you see Baby Pacsai again  
before you went off shift that morning?

17 A. I went down to the ICU to see  
18 how he was, and I spoke with Dr. Costigan and asked  
19 him if he knew why the child was having the arrhythmias.

20 Q. Yes.

21 A. And he said the child had an  
22 elevated potassium level and that could account for  
23 it but he wasn't sure.

24 Q. Did you see the baby at that  
25







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2

time as well in the ICU?

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A. I went into the room and had a  
look at the baby.

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Q. How did he appear to you then?

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A. I can't remember whether he  
was intubated at that point in time or not.

Q. And then you went off shift  
at seven o'clock in the morning?

A. 7:30.

Q. 7:30 in the morning. Now,  
you were off for the nights of March 12 and 13?

A. Right.

Q. Between 7:30 a.m. on March  
12 when you left the Hospital and approximately  
eleven o'clock on March 14th when you next reported  
for duty at eleven in the evening, were you in the  
Hospital at all?

A. No.

Q. When did you learn that Kevin  
Pacsai had died in the ICU at approximately ten  
o'clock on March 12th in the morning?

A. When I had come back to work.

Q. And what was your reaction to  
that news?

A. I was surprised, I was  
concerned, I couldn't understand why the child had  
died.

Q. Notwithstanding that you had  
seen the incidence of arrhythmias when you had been





J2

1

2

on the ward on the night of his death?

3

A. That's right.

4

Q. And notwithstanding that he

5

had been thought sufficiently serious to be sent to  
the ICU?

6

A. That's right, I felt that the  
last time I saw him that he was stabilizing.

8

Q. So, you say you were sur-

9

prised but you also say you were concerned. What  
were you concerned about?

10

11

A. Just that the child had died,

12

I was concerned for the child.

13

Q. Okay, no other basis for

14

concern at that stage?

15

A. No.

16

Q. Did you learn later that

17

Pacsai at the time of his death apparently had an  
elevated digoxin serum level?

18

A. Yes.

19

Q. When did you learn that?

20

A. It was on the Friday night.

21

after I returned to work, Susan had expressed to me  
that she was annoyed that her head nurse had called  
her at home and questioned her about the digoxin  
that she had given to the child.

22

23

24

25







Johnstone  
dr.ex. (Lamek)

J3

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2

Q. Yes?

3

A. And she felt it was uncalled

4

for.

5

Q. Well, did she tell you

6

that she had learned that the child had an elevated  
digoxin level?

7

A. She had said that the

8

Coroner was involved with the death and I am not

9

exactly sure if she said, how she said it.

10

Q. And that was on the Friday

11

evening when you got back?

12

A. I think so.

13

Q. After a couple of nights off?

14

A. Yes.

15

Q. Having got that information

16

from Nurse Nelles, did you make any enquiries as to  
what the situation had been with Kevin Pacsai?

17

A. I'm sorry?

18

Q. Did you make any enquiry as

19

to what was behind this information that you got from  
Nurse Nelles? Did you ask anyone else?

20

A. No, I didn't.

21

Q. No other night supervisor,

22

anything of that sort?

23

A. No.

24

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Q. Did you look for Dr. Costigan to find out what he knew about it?

A. No, I didn't.

Q. Did you at any time make any enquiry about the suggested relationship between digoxin and Pacsai's death?

A. I don't think I did, no.

Q. All right. Is there anything else that you can recall that now occurs to you to have been in any way unusual or worthy of comment respecting either the Manojlovich death or the Pacsai deterioration that you saw on that night?

A. I don't think so.

Q. Okay. Now, you were also on duty the night that Janice Estrella died, that is to say, the night of January 10th to 11th 1981.

A. Yes.

Q. When you came on duty that night do you recall whether Baby Estrella was named on the tour end report?

A. I think she probably was because she had been moved into isolation because of loose stools.

Q. All right. And did you see her in the course of your rounds that night?





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A. When I went to the ward at twelve-thirtyish, I did see her, I spoke with Mrs. Scott about how she was, how she had been during the evening.

Q. Mrs. Scott was caring for her?

A. Yes.

Q. Providing constant nursing care?

A. I don't know, I can't remember.

Q. You don't recall that, all right.

A. No.

Q. What was her condition at the time you saw her?

A. She was still stooling, they were concerned about that, but she appeared comfortable, she didn't appear in any distress at all.

Q. Now, did you see her again before she suffered a cardiac arrest?

A. No.

Q. You heard a Code 25 called again from Ward 4A?

A. Yes.

Q. Do you recall where you were





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when you heard that Code?

A. I don't know which ward I was on in the Hospital, no.

Q. When you heard that Code called, did you have any idea for whom it was being called?

A. I don't think so, no.

Q. It did not occur to you that it was that sick child, Estrella, down on Ward 4A?

A. She was sick but we had had her in the Hospital for a few admissions before that and I didn't feel that she was going to arrest during the night.

Q. You went to the ward I take it?

A. Yes.

Q. And to her room? Was the arrest team already there?

A. Yes.

Q. The resuscitation effort was in progress?

A. That's right.

Q. Do you have any particular recollection of the events that occurred after your arrival?

A. No, I don't.







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J7

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Q. We know from the WIN sheets and the assignment books the 4A nurses on duty that night were Nurses Trayner, Scott, Christie and Brownless.

A. Yes.

Q. And the 4B nurses were Bell, Parsons, Harwood-Jones and Frise.

A. Yes.

Q. Do you recall seeing any of those people in the baby's room during the resuscitation effort?

A. Bertha Bell was there.

Q. Yes?

A. I can't remember now.

Q. Okay. She was the only patient in Room 423 as I understand it?

A. That's right.

Q. Did you stay until she was pronounced dead?

A. I have difficulty with it because I didn't remember that I was working that night. It was pointed out to me that I was there and I had to go back and check the time sheet because I didn't feel I was there, I couldn't remember the arrest at all.





Johnstone  
dr.ex. (Lamek)

J8

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Q. All right. What was your reaction to the child's death?

A. It was expecthd but not necessarily that particular night but, because of her defect, I felt it was a natural thing.

Q. Okay. Did you later learn that a post mortem digoxin level for Estrella had been reported as very high?

A. No.

Q. You never learned that?

A. I knew she had a high dig. level a couple of days before but I can't recall anyone telling me that her level was elevated.

Q. Did you acquire that information at any time prior to the arrest of Susan Nelles on March 25th?

A. Not that I can recall, no.

Q. All right. Now, we have been proceeding, Miss Johnstone, and believe me I am not at all being critical, from a death of which you have a very fairly close detailed recollection --

A. Yes.

Q. -- through three or four others as to which your recollection is not nearly so clear.





J9

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A. That's right.

3

Q. We know that you were on duty

4

for a number of other arrests on 4A and a couple on

5

4B which are deaths of children in these A and B

6

categories with which we are particularly concerned.

7

On 4A, as I recall it, Monteith, Gage, Lutes, MacDonald,

8

Gosselin, Thomas and Warner and on 4B, Woodcock and

9

Onofre.

A. Yes.

10

Q. Perhaps I can ask you this.

11

Are you able to tell me whether any of those deaths

12

surprised you, occurring at the time that they did

13

and in the way that they did?

14

A. I was surprised to hear that

15

the Woodcock baby had died. I had seen that child

16

two or three times during the night and I knew she

17

was in difficulty in the morning, like, she was

18

really diaphoretic and fast heart rate and she was

19

breathing fast but I didn't think it was to the

extent that it would cause her to arrest.

20

Q. So, you were surprised when

21

that child died?

A. Yes.

22

Q. Now, Woodcock of course was

23

the very first of what we call the epidemic deaths.

24

25







Johnstone  
dr.ex. (Lamek)

J10

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A. Yes.

3

Q. She died the morning of

4

June 30th.

5

A. Yes.

6

Q. And you were off duty for

several days after that, were you not?

7

A. Yes.

8

Q. You were away on vacation in

9

July I think?

10

A. Yes.

11

Q. Now, Woodcock's death,

12

although it surprised you at the time, I take it

13

it did not cause you to ask any questions either

14

of yourself or anyone else?

15

A. No.

16

Q. I take it that was not the

17

first time that you had seen a death occur at a time

when you hadn't expected it to occur?

18

A. No.

19

Q. Okay. And in itself and taken

20

in isolation that wasn't a particularly surprising

21

thing that you were surprised, if you follow me?

You had been surprised before on occasion --

22

A. Yes.

23

Q. -- that children had died

24

25





1  
Jl1 2 at particular times? So, this was a child who  
3 died when you didn't expect her to die but that's  
4 the way those things sometimes happen I take it?

5 A. That's right.

6 Q. And you were not present  
7 for the deaths that occurred in the month of July  
8 I believe?

9 A. Towards the end of July.

10 Q. Yes.

11 A. No, I was on vacation from  
12 the 28th.

13 Q. When you returned from  
14 vacation of course I take it you learned that there  
15 had been a number of deaths o 4A/B?

16 A. Yes, when I returned to work  
17 the first night Miss Coulson and Mrs. Carter said  
18 to me that there had been several arrests while I was  
19 away.

20 THE COMMISSIONER: When was it you  
21 returned, did you say?

22 THE WITNESS: I think it is the 4th  
23 of August at 11:15.

24 MR. LAMEK: Q. Miss Coulson must have  
25 been heartily glad to see back.

A. Well, you will have to ask her





J12

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that.

MS. KITELY: Mr. Commissioner, the vacations are marked on Exhibit 350, if it will assist you.

MR. LAMEK: Yes.

THE COMMISSIONER: Oh, thank you.

MS. KITELY: It is the list of deaths that was marked yesterday as an exhibit.

MR. LAMEK: Well, they are also on the duty roster as well.

MS. KITELY: Well, it is harder to read on the duty roster.

MR. LAMEK: All right.

THE COMMISSIONER: Oh, yes, thank you.

MR. LAMEK: Q. When you returned from vacation and learned from Miss Coulson there had been a number of deaths on the cardiology service during the month of July, did she tell you any more than there had been a number of deaths? Did she comment on the fact that they were occurring in the middle of the night?

A. I can't remember for sure. I think if she didn't tell me I had just assumed it because she was telling me, so, they must have occurred during the night.





J13

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2

Q. During her shift anyway?

3

A. Yes.

4

Q. Yes, all right. Did she

5

observe that there was any association between the

6

deaths and any particular nursing team at the time

7

that she spoke to you on your return from vacation?

8

A. Just that the same team was

9

on.

10

Q. She had made that observation

at that time then, had she?

11

A. Yes.

12

Q. And drew it to your attention?

13

A. Yes.

14

Q. Now, as we know, the deaths

continued in August and then during September and

15

October and indeed November they seemed to drop in

16

number. Do you recall that?

17

A. Yes.

18

Q. Did you attempt to arrive at

any explanation in your mind for the crop of deaths

19

that had occurred in July and August?

20

A. You mean did I --

21

Q. Well, you must have wondered

why suddenly you were being hit, or this ward was

22

being hit by so many deaths.

23

24

25







J14

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A. I was concerned that there

3

had been so many deaths.

4

Q. Yes.

5

A. I spoke to their head nurse,  
Mrs. Radojewski.

6

Q. Yes.

7

A. I told her I was concerned

8

about the number of arrests and that it was always

9

the same team that was on when these arrests occurred

10

and I felt that the girls needed some assistance

11

with coping with their feelings about all the

12

arrests.

13

Q. You obviously then made the

14

same observation that Miss Coulson had made and which

15

she had drawn to your attention when you got back

16

from vacation?

A. Yes.

17

Q. That the deaths as they

18

continued to occur seemed to occur in the presence

19

of the same team?

20

A. That's right.

21

Q. Did you ascribe that to anything

22

other than the most unfortunate coincidence?

23

A. No, I just thought it was

bad luck.

24

Q. Sheer bad luck?

25

A. Yes.





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EMT/PS

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Q. Did you talk to any members of that nursing team about what you considered to be their bad luck, or did they talk to you about it?

A. They were concerned that there were so many arrests on the shift and they were concerned that maybe they weren't picking up on something sooner.

Q. Now you say, "they". Is that your recollection of things said to you by all the members of the team or were there particular members of the team who were expressing those thoughts?

A. Phyllis and Susan expressed it a lot, and Janet Brownless expressed her concern at some point also.

Q. All right. Brownless was new to the team, was she not?

A. Yes.

Q. In the late summer of the year. Did you continue throughout the -- I'm sorry, you were telling me that you spoke to Nurse Radojewski about this?

A. Yes.

Q. Were you making some suggestion to her?

A. Yes, I was. I felt that the





2  
1  
2 girls needed an objective person to talk to, that  
3 they should -- I was wondering at the fact that they  
4 could get a psychiatrist to meet with the nurses be-  
5 causes the nurses on 4B were also upset by what was  
6 occurring.

7 Q. Approximately when was the  
8 conversation with Nurse Radojewski?

9 A. It was I think some time in  
10 late September or early October.

11 Q. All right. You perceived the  
12 level of stress and tension on that ward to be such  
13 that you thought it appropriate to suggest that  
14 perhaps some psychiatric counselling might be  
15 helpful?

16 A. I thought it might be helpful  
17 because when I worked in the ICU you had a psychiatrist  
18 that would come and talk with us once a week, just  
19 so that we could work out some of our feelings be-  
20 cause of the stress, and then if we had any particular  
21 difficulty with one child or one family he would help  
22 us and talk about that and what we could do to im-  
23 prove it.

24 Q. Was that a suggestion which  
25 you discussed with Nurse Trayner or Nurse Nelles or  
any other member of either nursing team, the Trayner







1

2

team or the Bell team on 4A/B.

3

A. I spoke to them all.

4

Q. Prior to speaking to Nurse

5

Radojewski?

6

A. Yes.

7

Q. Were they in favor of the idea?

8

A. Yes, they were.

9

Q. Was there anybody opposed to the

idea?

10

A. No.

11

Q. What was Nurse Radojewski's

12

response?

13

A. She thanked me for my concern.

14

She felt at the time that they were supporting them  
enough, "them" meaning herself and Mary Costello.

15

Q. Yes.

16

A. That was about it.

17

Q. I take it it didn't happen at

18

that time in any event.

19

A. No.

20

Q. As the fall turned to winter and

21

you got into December, the number of deaths increased  
again you will recall. Did you continue to ascribe  
that to bad luck and coincidence?

22

A. Yes.

23

24

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Q. You said that when the nurses from the team talked to you they were wondering whether they were missing things.

4

5

A. Yes.

6

Q. Perhaps not being as astute as they should be to spot problems before they developed; that kind of concern?

7

8

A. Yes.

9

Q. Did you think there might be something to that concern?

10

11

A. I didn't think at that time, no. I felt the girls were giving excellent care. As soon as there was any change in any of the children they notified the appropriate people, and I felt that they had done as much as they could, and the medical staff was also expressing to them that they had done everything they could.

12

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17

Q. What was your assessment of the competence and skill and experience of the members of the Trayner team?

18

19

20

A. You mean individually?

21

Q. Yes, I'm afraid I am going to have to ask you to give me your individual one by one view.

22

23

A. I felt Susan Nelles was an excellent nurse and a very astute, conscientious nurse.

24

25





Sui , I had some reservations about Miss Scott initially. She seemed to be extremely nervous with the younger children and she had made a few medication errors prior to that.

Q. I take it she had not had a great deal of experience in pediatrics.

A. Not that I am aware of because I asked where she came from, and I think it was from St. Joe's here in the city, and she had worked with adults there.

Q. She had been used to giving bigger doses of things than she was now required to give, I take it.

A. That is right.

Q. Was that a difficult adjustment for her to make apparently?

A. Initially it was.

Q. All right.

A. But she was able to make the adjustment.

Q. Okay. Good.

Approximately when was it that you were satisfied that that problem had been resolved with Nurse Scott?

A. I think in the fall, September,





6      1  
2      2      October.

3                      Q.      What about the nursing assistants  
4      who were helping on that team?

5                      A.      I felt that Janet Brownless  
6      was a bit nervous initially with the children because  
7      it was a cardiology ward.

8                      Q.      Yes.

9                      A.      And because there were several  
10     infants there, but she was making the adjustment quite  
11     well. And Mrs. Christie gave very good basic nursing  
12     care.

13                     Q.      You haven't mentioned the team  
14     leader.

15                     A.      Yes.

16                     Q.      What was your assessment of her,  
17     competence, skill and experience?

18                     A.      I felt that Phyllis was an  
19     astute nurse. She notified the people at the  
20     appropriate times if there was a change; that when  
21     I observed her giving bedside nursing care not in  
22     the role as a team leader, she gave good bedside  
23     care.

24                     I wondered how she was coping with  
25     all of the arrests that were happening because it  
26     seemed to be the center of her conversation all the







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time at work and if I saw her away from work.

3

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Q. Did you see her frequently away from work?

5

6

A. Not frequently, no.  
A couple of times, three or four times away from work.

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Q. Over what period are we talking?

A. It would be from the summer, and the last time I saw Phyllis away from the hospital was the January before the preliminary hearing.

Q. Okay. The January before or the January of the preliminary hearing? You remember it started in January, 1982.

A. Well, it would be --

Q. That month?

A. That month, yes.

Q. I'm sorry, you said that she talked a lot about the arrests?

A. Yes.

Q. Both in and out of the hospital, to you at least?

A. Yes. She was concerned that there were so many arrests, that they were always happening on her team and was there anything that they were doing wrong.





8 1  
2 She seemed to need constant reassurance;  
3 she needed to talk about it all the time. I am not sure  
4 if that was her way of getting reassurance, like  
5 wanting the attention because one time that we met  
6 for lunch Mrs. Scott was with us also and it seemed  
7 that like Phyllis would bring the subject up of all  
8 the arrests and everything, and if you tried to get  
9 her off topic you could get her off of it just  
10 for a few minutes and then she would bring it back to  
be the center of conversation again.

11 Q. How did you react to that?

12 A. It disturbed me because I just  
13 didn't feel -- I didn't feel comfortable with her  
14 talking about it all the time. I felt I had given  
15 her as much reassurance as I could, and she had re-  
16 ceived reassurance from the medical staff and her own  
17 head nurses, and I just couldn't understand why she  
had to be talking about it all the time.

18 Q. Did she suggest any possible  
19 explanations for the number of deaths about which she  
20 was so concerned?

21 A. No.

22 Q. Did she ask what you thought it  
23 could be, why this should all be happening to her  
24 team?  
25





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A. I think at some point she did,  
and I responded that it was just bad luck.

3

4

Q. You say in terms of bedside  
care that she provided to patients, your assessment  
was she was a good, competent nurse?

5

6

A. Yes.

7

8

9

10

Q. You drew something of a  
distinction as I heard your answer between her  
qualities as a bedside nurse of pediatric patients  
and perhaps her qualities as a team leader.

11

How did you assess her qualities as  
a team leader?

12

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A. She notified people at the  
appropriate times and kept you informed of what was  
happening on the ward. She -- at times I felt that  
she was overbearing in situations like trying to take  
over.

17

18

19

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21

At times I questioned her abilities  
as a leader because she would get so upset and she would  
get angry with people very quickly, and I question  
that because I felt if she couldn't set a calmer  
example for the people under her then there would be  
a problem there.

22

23

Q. Did you discuss those concerns  
with her?

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A. I think I talked to Liz about

3

them once.

4

Q. I take it her head nurse would

5

be the more appropriate person to raise concerns of that  
kind.

6

A. Yes.

7

Q. Did she seem to you to enjoy

8

the respect of the members of her team and of

9

her colleagues on the cardiology service?

10

A. There were times when people ex-

11

pressed their frustrations with her.

12

Q. Now as these deaths occurred

13

over the period that we are concerned with, Miss

14

Johnstone, you continued as you have told us to

15

consider that this was a terrible and prolonged

16

run of very bad luck for that nursing team.

A. Yes.

17

Q. But you continued to observe,

18

I take it, that the deaths were occurring in the

19

presence of that team.

20

A. Yes.

21

Q. Were you now beginning to focus

22

upon the time of day at which the deaths were

23

occurring?

A. I began to watch the clock at

24

25





11 1  
2 night, yes.

3 Q. I'm sorry, what do you mean you  
4 began to watch the clock?

5 A. Just to see what time it was  
6 to see if I was going to make it through the night  
7 without anything happening.

8 Q. Was that because you had observed  
9 that these arrests occurred within a fairly narrow  
10 time?

11 A. Yes.

12 Q. Time area?

13 A. Yes. They were all occurring  
14 within from 3 to 5.

15 Q. If you got to 5:00 in the  
16 morning without an arrest call did you breathe  
17 a sigh of relief?

18 A. Can I be honest?

19 Q. Yes.

20 A. Yes.

21 Q. Were those matters, that is  
22 to say, continuing deaths, the narrow time band in  
23 which they appeared to be occurring, in the presence  
24 of the same team, were those being observed by other  
25 members of the nursing staff in other areas of the  
hospital?





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A. Yes, they were.

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Q. How did you become aware of

4

that?

5

A. They would ask me about the

6

arrests. It is not unusual for nurses on another ward  
to ask you how the arrests went --

7

Q. Sure.

8

A. -- like if a child went to ICU

9

or if the child had died. There was one ward in

10

particular, one of the nurses went through training with

11

Phyllis and knew Phyllis quite well and she would ask

12

me if Phyllis' team was on.

13

Q. What, after an arrest had

14

been called?

15

A. That's right.

16

Q. Did you raise the matter of these

17

deaths at any time, prior to the end of March, of course,  
with any physician or surgeon at the hospital?

18

A. I think I talked with Bob Freedom

19

once or twice, just expressing my concern that we

20

were still having the arrests, and I guess I needed

21

some reassurance also that we were doing the best we  
could for the children.

22

Q. What did Dr. Freedom say to

23

you?

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A. He said that he felt that we had handled the arrests from what he heard when he wasn't there, that the arrest procedures had went well, and that a lot of the children that died had a very complex heart defect.

Q. Did he appear to you to ascribe this rash of deaths to the physical condition of the children, their sickness?

A. I felt that that was what he was saying to us, yes.

Q. Did you take comfort from that? Did you agree with it? Did you have reservations about it?

What was your response to that?

A. I was glad to hear him say that he felt the nurses were doing the best that they could, and that these babies had very complex hearts and we had a lot of children im with very complicated defects at that particular time.

---







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/DM/ak

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Q. I take it that was an explanation; I don't mean to be critical, it was an explanation that you very much wanted to accept?

5

A. Yes.

6

7

Q. Did you ever speak to any other physician about these deaths; did you ever speak to Dr. Costigan for example?

8

9

10

11

12

13

14

A. The only time I can remember speaking to him was with regard to Kevin Pacsai and that was before the child had died. I asked him about Michelle Manojlovich if he could give any reason as to why the child had died. He felt that it was due to aspiration because the child had vomited just prior to the arrest.

15

16

Q. So that was in the context of a particular death that you spoke to him?

17

18

19

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Q. We have gone through the views that you are forming and the concerns that you are having in the course of the late summer and the fall and the early winter. During that period was there any death that occurred either at which you were present, or of which you learned, which caused you surprise? You have told me about Woodcock, was there any other that caused you a





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measure of surprise?

A. I don't think so. I remember Phyllis saying to me that the Velasquez baby had died, when I came back from my days off, but I didn't know the baby, but that is the only one I can think of.

Q. So Woodcock is the one that stands out in your mind other than those we talked about earlier today?

A. Yes.

MR. LAMEK: Mr. Commissioner, I am just going onto what may well be the last area and I wonder if I could do that after lunch?

THE COMMISSIONER: Yes. Until 2:30 then.

MR. LAMEK: Thank you.

--- Luncheon recess.





Johnstone  
dr. ex. (Lamek)

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---Upon resuming at 2:35 p.m.

THE COMMISSIONER: Very briefly we want to set the date for this -- I wonder if I can just -- I don't want to hear any arguments, but assuming that the parents are all in favor of the motion, would you raise the hands of those who are opposed to it in any form? Well, that is a fair number.

Well, Mr. Lamek, what do you think are our prospects this week?

MR. LAMEK: Well, Mr. Commissioner, I, as I said before lunch, I will not be very long in the rest of my examination of Mrs. Johnstone. Miss Kitely tells me that she will be perhaps half an hour and it looks to me therefore that we may reasonably expect to complete the evidence of Mrs. Johnstone by the latest Thursday morning, and it may be that Thursday afternoon would be an appropriate time to deal with this question.

THE COMMISSIONER: All right, let's try Thursday afternoon, and if necessary we can probably go over, none of us are that anxious, but perhaps we can go over until Friday. What about Thursday afternoon, does anyone have any real troubles with that? It may be at 2:30 depending on how we make out, or it may be at a quarter to four, or it may even







1  
2 be at 4:30.

3 MR. TOBIAS: Mr. Commissioner, if I  
4 could just suggest, some thought might be given,  
5 I have no strong feelings on it one way or the other,  
6 some thought might appropriately be given as to  
7 whether or not it might help us if we argued that  
8 motion in camera. Our thinking is that it may save  
9 time and that we can direct the issues in a much  
10 more direct sense.

11 THE COMMISSIONER: I don't know why  
12 it would save any time. I don't think so, Mr.  
13 Tobias. I am quite sure that the audience will fall  
14 off very quickly once we start, you can be sure of  
15 that, and I suspect particularly if we start at  
16 4:30 that by 6:00 there will be just us and nobody  
17 else.

18 MR. LAMEK: Even that may be  
19 optimistic.

20 THE COMMISSIONER: Yes.

21 MS. KITELY: Mr. Commissioner, you  
22 invited my friends to try to pare down the list and  
23 I have not received a pared down list.

24 THE COMMISSIONER: I am happy for  
25 you because I never did, but you have received a  
pared down list, have you?





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MS. KITELY: No, we have not received one.

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THE COMMISSIONER: I don't think so, I think they have thought about that and decided against it.

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MS. KITELY: Thank you, sir.

THE COMMISSIONER: Isn't that right?

MR. TOBIAS: I have no intention of paring it down.

MR. LABOW: Neither do I, Mr.

Commissioner.

THE COMMISSIONER: No. All right then some time on Thursday afternoon we will proceed. Yes, Mr. Shinehoft.

MR. SHINEHOFT: In light of the fact, Mr. Commissioner, that leave to the Court of Appeal has been applied for on Monday morning, is it the intention of this commission to sit on Monday morning?

THE COMMISSIONER: Yes, I am hoping, I haven't got around to it yet, I am hoping to use what little influence I have to get it going early in the morning. The result of that, that is-that would be you are not allowed on an application for leave to appear more than 15 minutes. That would mean we would certainly be free in the afternoon and so I





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certainly intend to do some sitting on Monday.

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MR. SHINEHOFT: But not on Monday morning.

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THE COMMISSIONER: I don't promise that yet, I will see what happens.

7

8

MR. SHINEHOFT: Thank you, Mr. Commissioner.

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THE COMMISSIONER: All right then, Thursday the motion for some time Thursday afternoon with a rapidly dwindling audience. Yes, all right. Yes, Mr. Lamek.

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MR. LAMEK: Thank you, sir.

13

DIRECT EXAMINATION BY MR. LAMEK: (Continued)

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Q. Mrs. Johnstone, believing as you have told us you did through the late summer, fall and winter of 1980 that the Trayner team was having a run of very bad luck indeed in encountering all these deaths, what if anything did you do to try to remain on top of the situation on those nights when you were on duty as the supervisor on that ward?

20

21

A. I made more frequent visits back to 4A and 4B.

22

23

24

25

Q. And what was your purpose in doing that?

A. It was -- it made me feel more







1  
2 comfortable with the ward, so that I would know how  
3 the children were and just to know if anything  
4 changed that I would be updated on it.

5 Q. Was it any part of your purpose  
6 to do what you could by more frequent attendance, to  
7 see if indeed the team was missing something that  
8 was perhaps in some way contributing to the deaths?

9 A. I don't think I consciously  
10 thought that.

11 Q. You were more concerned to keep  
12 close track of the progress of the babies on the ward?

13 A. That's right.

14 Q. Now, we have heard from other  
15 witnesses, Mrs. Johnstone, about what was perceived  
16 to be matters of conflict, or clashes, between  
17 Phyllis Trayner and Susan Nelles. Did you have any  
18 perception that the two of them when working together  
19 were in conflict from time to time, or had disagree-  
20 ments about the way in which things should be done?

21 A. I knew that there was some tension  
22 between the two of them and I could pick up on it  
23 sometimes when I went to the ward.

24 Q. What did you observe, for  
25 example?

A. Just that, you know, if Phyllis







1  
2 said something Susan would say something back, sort  
3 of that kind of thing. I can't give you exact  
4 conversations it was just a slight disagreement with  
5 each other.

6 Q. Was that the only manifesta-  
7 tion of any such tension or conflict that you ob-  
8 served, the tendency to take different views of  
9 questions?

10 A. I think that is the only thing  
11 that I can recall.

12 Q. Were you able to identify to  
13 your own satisfaction any cause of that conflict or  
14 tension, to what did you attribute it?

15 A. I think I just attributed it  
16 to the fact that they both were nurses that could  
17 take charge, and just that the way of handling the  
18 situation would be a slight bit different.

19 Q. Was it your observation that  
20 tension of that kind persisted throughout the period  
21 in which we are interested, that is to say from  
22 July right through to March?

23 A. No, it seemed that in the fall,  
24 September, October, after Phyllis came back from her  
25 vacation.

Q. After she was married?





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A. Yes.

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Q. Yes.

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A. That sort of tension seemed to be gone, and I can remember, I am not sure whether it was Phyllis or Susan who told me that they -- it was Phyllis, that she felt that they had resolved their differences and that they were getting along much better.

Q. Did your subsequent observation of the two of them together seem to bear that out?

12

A. Yes.

13

14

15

16

Q. Were you ever aware of any situation where conflict, tension, difference of opinion between the two of them may have detracted from the quality of nursing care that was given to a patient?

17

A. No.

18

19

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21

22

Q. You told me something this morning about your assessment of the professional skills and competence of those two ladies. Could you tell me something about your perception of their personalities, and let us start with Miss Nelles. Did you regard her as a cooperative person?

23

A. Yes.

24

Q. Cheerful?

25





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2

A. Yes.

3

Q. Dedicated?

4

A. Yes.

5

Q. Did she appear to be competent  
in her profession or judgment?

6

A. Yes, she did.

7

Q. Did that ever lead her to appear  
bossy or overbearing, or anything of that sort?

8

9

A. Not that I can recall.

10

Q. Did you regard her as an  
attention seeker?

11

12

A. No.

13

Q. Were you aware of any conflict,  
or tension, between her and anyone other than Nurse  
Trayner?

14

15

A. Between Susan and another nurse?

16

Q. Yes.

17

A. Not that I am aware of, no.

18

Q. And to the best of your observa-  
tion, did the other nurses appear to like her and  
respect her nursing skills?

19

20

A. Yes.

21

Q. And looking over the whole  
period, if you can, and if you can generalize in this  
way, how to you did she appear to react to the deaths

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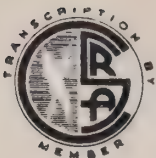
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in the epidemic period?

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A. She seemed very distressed by the deaths. She would be crying after the arrest. She was shaking, she was just upset by all the proceedings.

7

8

Q. Did she talk about the deaths very much?

9

10

A. Not really, we talked about it for a short period of time after each arrest, like five, 10 or 15 minutes.

11

Q. Yes.

12

13

A. But it wasn't constantly being brought up in the course of conversation.

14

Q. Now, with respect to Nurse Trayner, was she in your view cheerful?

15

A. Yes.

16

Q. A dedicated person?

17

A. Yes, I would say so.

18

19

Q. Did she appear to be competent in her professional judgment?

20

21

A. I think she did feel competent, but she still had that need for reassurance that they had done everything that they could.

22

23

Q. Did she appear to have good leadership qualities?

24

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A. I think I would have to say yes, except there were times when she would get short with people when they were not doing things the way she felt they should be done.

6

7

Q. Did you regard Nurse Trayner as an attention seeker?

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9

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A. I don't know if I could have looked at it as attention seeking at that particular time. It was just that she just needed to have constant reassurance that they, meaning the whole team, had done everything that they could for the children.

13

14

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16

Q. Other than the tension of which you were aware between Nurse Trayner and Nurse Nelles, were you aware of any tension or conflict between Nurse Trayner and any other nurse?

17

18

19

A. Not that I can recall.

20

21

22

Q. And did the other nurses seem to like her and respect her nursing skills?

23

24

25

A. Yes.

Q. You have told me this morning that she was one who talked a great deal about the deaths that occurred on the ward.

A. Yes.

Q. Looking at the period as a whole,





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2

if you can, how did she appear to react to the deaths  
that occurred?

3

4

A. You mean was she upset by the  
arrests?

5

6

Q. You told me, for example, that  
you thought Susan Nelles appeared to be upset and  
you described her reaction to the thing. I ask  
you the same question about Nurse Trayner, if you can  
generalize as to her reaction over that period.

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A. Okay. She also at the time of  
the arrest seemed upset, and there were periods when  
she would cry also, again just needing reassurance  
that they had done everything because it was difficult  
for them to have so many deaths.

11

12

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15

Q. You said this morning that  
occasionally you saw Nurse Trayner and other nurses  
outside the hospital on a social basis, I take it.

16

17

A. Yes.

18

19

Q. Did you see Nurse Nelles from  
time to time on a social basis?

20

A. No.

21

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23

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Q. Is there any particular reason  
for that?

4

A. No.

5

6

Q. And I gathered this morning  
that you did not see Nurse Trayner frequently outside  
the Hospital?

7

8

A. No.

9

Q. You wouldn't regard her as a  
very close friend?

10

A. No.

11

12

Q. Did you continue to see her  
outside the Hospital after the end of the epidemic  
period, after March of 1981?

13

14

15

16

17

A. I think, like, as I said this  
morning, I know I was out for lunch with her a couple  
of times and that would be after that period of time  
but I don't think I had been with her more than that  
two or three times.

18

19

20

Q. Okay. When was the last time  
that you saw Nurse Trayner outside the Hospital by  
arrangement when you went out together?

21

22

A. As I said this morning, in the  
early part of January, before the preliminary hearing.

23

24

25

Q. Until that time had you seen  
her not frequently but fairly regularly over the







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2

period of the last year, the previous year or two?

3

A. No, I wouldn't say on a regular

4

basis, no.

5

Q. Is there any particular reason

6

for not having seen her since the beginning of 1982?

7

A. I just felt that I found it

8

very distressful that her conversation would always  
centre around the amount of deaths and she would make

9

comments about the police investigation and I just

10

felt I personally could not deal with that any more

11

and it would be better if I just didn't see her any

12

more.

13

Q. Now, you have said that until

14

your conversation with Mrs. Ross on the evening of

15

March 21st you had rejected the thought totally that

16

somebody might be knowingly causing the deaths of

17

babies on 4A and B?

A. That's right.

18

Q. And when that possibility had

19

been raised perhaps by way of a question by

20

Miss Coulson earlier you had rejected it as something

21

you could not contemplate, is that correct?

A. That's right.

22

Q. On the evening of March 21st

23

as I understood your evidence you felt forced to face

24

25





1  
2 that as a possible explanation for the deaths on the  
3 ward?

4 A. Yes.

5 Q. Did the death of Justin Cook  
6 that night heighten your suspicion that someone might  
7 indeed be doing something to the babies on that ward?

8 A. I was very uncomfortable with  
9 what had been told to me when I came on duty and I  
10 was distressed that an arrest had been called and I  
11 don't know if I really sat - I don't think I really  
12 sat and thought whether the digoxin would be related.  
Is that what you mean?

13 Q. Well, whether in fact at that  
14 stage you were thinking clearly in terms of digoxin.  
15 You did tell us that as of that evening you enter-  
16 tained for the very first time, however horrible you  
17 found it, the possibility that somebody might be  
doing something to the babies on that ward?

18 A. That's right.

19 Q. Now, Justin Cook died that  
20 night.

21 A. Yes.

22 Q. And you told us this morning  
23 that you were surprised that he died that night.

24 A. Yes.  
25





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Q. In a sense you regarded his death at that time as unexpected?

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A. That's right.

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A. Yes.

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Q. Did it have that effect?

A. Probably.

13

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Q. Okay. Once that suspicion had been born, whether it was strengthened or not by the death of Justin Cook that night, you must I suggest have begun to wonder who could possibly be responsible if indeed that were happening.

18

A. Yes, I think, you know, I did have to face that possibility.

19

20

Q. If indeed that horrid thought is true then who could it possibly be.

21

A. That's right.

22

23

Q. Now, you were off duty on the Sunday night?

24

A. Yes.

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Q. And on the Monday night?

A. That's right.

Q. March 22 and 23. And you did not come back to duty until the evening of Tuesday the 24th as I understand it.

A. That's right.

Q. Now during that two days off I take it that the thought of what had happened on the ward and this very unpleasant thought that had now crossed your mind didn't really leave your mind for those two days, did it?

A. No.

Q. Okay. You must have spent a good deal of time thinking about it when you were off?

A. Yes.

Q. Did you have any reason or did you arrive at any reason to suspect any particular group or classification of Hospital personnel as perhaps being involved in the deaths of the children? Did you for example think it likely that a physician might be responsible?

A. I don't know if I had those thoughts or not. I just had difficulty thinking anyone could do anything to the children.





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Q. I understand. Did you however seriously consider that anyone other than one or more members of the nursing staff might possibly be responsible? If anyone was responsible did you think of anyone other than the nursing staff?

A. I think I just thought who and I guess that left it open to any possibility.

Q. Okay, but having left it open to any possibility did you entertain seriously any possibility other than nurses?

A. I guess I felt the doctors had just as much access.

THE COMMISSIONER: I'm sorry, you thought the doctors had just as much what?

THE WITNESS: Access.

MR. LAMEK: Q. Now, you came back on duty Tuesday evening, the 24th?

A. Yes.

Q. Had you been in touch with anyone at the Hospital or anyone from the Hospital during the time that you were off duty from Sunday morning until Tuesday evening?

A. No.

Q. Okay. Were you aware until you arrived back at the Hospital on Tuesday that





1  
2 officers of the Homicide Division of the Metropolitan  
3 Toronto Police were in the Hospital?

4 A. No.

5 Q. Were you aware that the  
6 Trayner nursing team had been told not to come in  
7 for their shift on Sunday?

8 A. No, I wasn't.

9 Q. Did you learn those things  
10 shortly after your arrival for duty on Tuesday evening?

11 A. Yes, Miss Coulson told me that  
12 the team had been told to stay home.

13 Q. And they were not on duty on  
14 the Tuesday evening either when you came in?

15 A. I can't remember who worked.  
16 I don't think they were.

17 Q. Okay.

18 A. But I don't know.

19 Q. Well, I don't even know  
20 whether they were scheduled that night, we could  
21 find it out. You recall that they were not there  
22 that night?

23 A. Actually, if they worked  
24 Friday, Saturday and Sunday as their schedule said  
25 they would be off on Tuesday.

Q. They would be off anyway, okay.







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You were told by Miss Coulson when you arrived, shortly after you arrived that the officers from the Homicide Division had been around the Hospital while you had been away on the Sunday and Monday, she told you that?

7

A. I can't remember.

8

9

Q. Oh, I thought you said she did tell you when you got there.

10

A. She told me that the team had been --

11

12

Q. Oh, did she not also tell you that the police had been in the Hospital that day?

13

14

A. I'm not sure, I don't think she did, but I can't say for sure.

15

16

Q. Did anybody tell you shortly after your arrival for duty on the Tuesday evening the police had been in the Hospital?

17

18

A. I can't remember.

19

20

Q. Did the facts that the Trayner nursing team had been told not to come in on the Sunday serve to feed your concern that perhaps somebody was doing something to these children?

21

22

23

A. I was told that they were told to stay home because of the stress that they had been under.

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Q. Yes.

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A. And I think I wanted to believe that but I think it did help to make me wonder.

5

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8

9

Q. Did you and Nurse Coulson on that evening, Tuesday the 24th of March, have any discussion as to the possibility, the suspicion that somebody might have been doing something to these children?

10

11

A. We may have had a conversation.

12

Q. Do you have a recollection of a conversation?

13

14

15

16

A. No, I don't recall it. But I think when you think of the circumstances, like, leading up to coming back to work, well, I wonder that we probably did have a conversation but I can't recall just exactly what it was.

17

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21

Q. Okay, if you have no recollection of it then that's fine, we will have to ask Miss Coulson whether she recalls having such a conversation when she gives evidence perhaps next week.

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Do you recall at any time discussing with Miss Coulson whether either of you had any particular suspicions of any particular persons as





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having --

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MS. FORSTER: Mr. Commissioner?

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THE COMMISSIONER: Just a minute.

5

Yes?

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MS. FORSTER: We're getting very

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close to an area where Mr. Lamek is I assume

8

attempting to elicit an answer that this woman

9

suspects that perhaps somebody murdered the babies.

10

THE COMMISSIONER: Yes.

11

MS. FORSTER: We dealt with this

12

issue in a sense when we were discussing Mrs. Costello's

13

statement and certainly if this woman has facts

14

upon which she can base an opinion, I probably can't

15

object if she says because I saw so and so inject

digoxin she may have done it.

16

THE COMMISSIONER: Yes.

17

MS. FORSTER: But simply speculation,

18

sir, I submit is highly prejudicial and not terribly

relevant.

19

THE COMMISSIONER: Mr. Lamek?

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MR. LAMEK: Miss Forster does me a

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little bit of injustice, Mr. Commissioner, I would

22

not propose to ask this witness or any witness to

23

identify the object of suspicion unless I first

24

established there was some basis for its formation.

25





1  
2 I don't think we are quite at the point where I was  
3 either prepared to ask the question or with respect --

4 THE COMMISSIONER: Well, as long as  
5 the witness understands that she is to answer these  
6 questions yes or no.

7 MR. LAMEK: Yes.

8 THE COMMISSIONER: Without  
9 naming any names. Some of us get into trouble with  
10 this. So, just don't name any names until the time  
11 comes and we will see whether there is any need to  
12 mention them at all.

13 Yes, Mr. Brown?

14 MR. BROWN: Well, if I may make some  
15 further submissions. We did canvass this issue at  
16 length when Mrs. Costello was about to give testimony.  
17 I appreciate that there are no rules of evidence  
18 save that of privilege which governs the course of  
19 this Inquiry.

20 THE COMMISSIONER: Before you go  
21 any further, what I am proposing is that Mr. Lamek  
22 say, did you discuss this question, yes or no and  
23 if you did have any suspicion of any particular person  
24 what was the basis for that. Isn't that what you  
25 intend to do?

MR. LAMEK: Precisely.







1  
2 THE COMMISSIONER: And if there is  
3 no legitimate basis for it the witness won't be  
4 allowed to go any further.

5 MR. BROWN: Well, that may well be  
6 but I was stressed that there must be an extremely  
7 legitimate basis because I would submit that the  
8 ultimate question, who do you think  
9 murdered those children, is not a question that should  
10 properly be put to any witness.

11 THE COMMISSIONER: Yes, all right.  
12 Well, we will give you the opportunity to argue if  
13 there is any danger of the basis being considered  
14 legitimate. Do you follow me?

15 If there is no basis at all we have  
16 no problem, so, we don't need to go any farther.  
17 If there is a basis and I'm inclined at all to  
18 think it is legitimate I will ask you to address  
19 the matter. All right, is that fine?

20 I am just really trying to save  
21 time and energy because I'm not at all sure that  
22 we are even going to get to that stage. Mr. Lamek  
23 may know more about this than I do.

24 MR. BROWN: Well, sir, it would be  
25 my submission that save and except in a circumstance  
where this witness had direct evidence about the





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2  
3 administration of a known drug to a child that that  
4 question should not be put at all.

5 THE COMMISSIONER: Yes, all right.  
6 Yes, Mr. Hunt?

7 MR. HUNT: My friend representing  
8 Nurse Nelles is very sensitive about this but then  
9 there is another group here that do have an interest  
10 in what people had suspicions at a particular point  
11 in time.

12 THE COMMISSIONER: Yes, we have  
13 the police probably too.

14 MR. HUNT: We have looked at that  
15 before and my friend indignantly suggests that this  
16 question shouldn't be put to any witness, that's fine  
17 given his particular prospective on it but I suggest  
18 that there are other people who are interested in  
19 knowing what people had suspicions at what point in  
20 time, whether they were communicated to them at that  
21 time or at a later time. So, I don't think the  
22 question is quite so clear cut as my friend suggests.

23 THE COMMISSIONER: No, I fell into  
24 that trap once before, I know. So, we will have to  
25 watch it very carefully. But we have that problem  
we have to face too, Mr. Brown, but I am not asking  
you to face it now, let's wait and see. I still have





1  
2  
3 hopes that the answer will be one way and we will  
4 avoid that argument but if it isn't we'll just have  
5 to face it.

6 All right now, Mr. Lamek, go ahead.

7 MR. LAMEK: Q. I think the moral,  
8 Mrs. Johnstone, you must take your time in answering  
9 any of these things in order to give other people  
10 a chance to make their positions known because if  
11 the cat is out of the bag before they have had a  
12 chance to object then it might be too late.

13 I think I had asked you whether you  
14 had discussed with Miss Coulson at any time any  
15 suspicions that you or she might have had as to  
16 who could be responsible if indeed anyone were  
17 responsible for doing something to these babies. Did  
18 you have any such discussion with Miss Coulson that  
19 you can now recall?

20 THE COMMISSIONER: Just yes or no.

21 THE WITNESS: Yes.  
22  
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MR. LAMEK: Q. I'm sorry?

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A. Yes.

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Q. When did that discussion

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take place?

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A. I think it was during the

7

fall when things -- or early winter because there

8

hadn't been arrests for a while and then they

9

started again.

10

Q. Yes?

11

A. And I think Cathy said to me,

12

"Do you think anyone is deliberately doing something

13

to harm the babies?", and I told her, no, I couldn't

14

accept that and I couldn't even entertain the

15

thought and I wouldn't discuss it any further with

16

Q. Thank you for that.

17

I was rather focusing, however, on

18

the time period following the date when you first

19

began to entertain that suspicion yourself, which

20

was the night that Justin Cook died.

21

Can you recall any time thereafter

22

any discussion with Miss Coulson in which opinions

23

were expressed or views advanced as to who, if anybody,

24

might be responsible for the deaths?

25

A. I can't recall, no.







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Q. Okay. Do you recall any such discussion with anybody?

A. That somebody might be doing something to the babies?

Q. And if so, who it might be?

THE COMMISSIONER: Well --

MR. LAMEK: Q. I don't want you to tell me who it might be but whether you can recall any such discussion.

A. I can't recall.

Q. Okay.

THE COMMISSIONER: I am certainly grateful for that answer.

MR. LAMEK: I think you made a number of friends, Mrs. Johnstone.

Q. Now from your evidence so far it would seem to me the last time we have heard that you saw Susan Nelles prior to her arrest was on Sunday morning at about 6:30 when you went back to the ward?

A. That is right.

Q. And you told me you had no contact with anyone at or from the Hospital during the time when you were off? That is the day of Sunday, Sunday night, Monday and Monday night and





1  
CC3 2 Tuesday in the daytime.  
3 A. No, I didn't.  
4 Q. Did you see Susan Nelles again  
5 at all before she was arrested on Wednesday, the 25th?  
6 A. No.  
7 Q. Have you had any contact  
8 of any kind at all with her since the last time you  
9 saw her, the last time you have told us about  
10 anyway, 6:30 on Sunday morning, March 22nd?  
11 I only saw her at the preliminary  
12 hearing.  
13 Q. Yes.  
14 A. When I gave evidence, and  
15 that's it.  
16 Q. Have you at any time since  
17 that Sunday morning, March 22, 1981, discussed with  
18 Nurse Nelles any aspect of any of the deaths that  
19 occurred on Wards 4A and B between July 1980 and  
20 March 1981?  
21 A. No.  
22 Q. Did you attend a meeting at  
23 the house of Head Nurse Liz Radojewski on the evening  
24 of March 23rd?  
25 A. No.  
Q. Were you aware that that





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meeting was to be held?

A. No.

Q. And you were not invited  
then I take it?

A. No.

MR. LAMEK: I think those are my  
questions. Thank you very much.

THE COMMISSIONER: Thank you, Mr. Lamek.  
Miss Kitley? I assume that Miss  
Johnstone is one of your clients, am I right?

MS. KITELY: I didn't hear you, sir.

THE COMMISSIONER: Miss Johnstone is  
one of your clients?

MS. KITELY: That is correct, sir.

THE COMMISSIONER: Yes.

EXAMINATION BY MS. KITELY:

Q. Mrs. Johnstone, although Mr.  
Lamek didn't offer this to you, am I correct you  
prepared a curriculum vitae?

A. Yes.

Q. I am showing to you a copy of  
a document which is called "Curriculum Vitae". Is  
that yours?

A. Yes, it is.

MS. KITELY: Sir, I would offer the CV







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as the next exhibit.

THE COMMISSIONER: 354.

--- EXHIBIT NO. 354: Curriculum vitae, Nurse L. Johnstone.

MS. KITLEY: Q. Am I correct you have been staff nurse since 1966?

A. Yes.

Q. And moved to The Hospital for Sick Children in July 1974?

A. That is right.

Q. And worked as a staff nurse for some time until late October 1979 when you became a night nursing supervisor?

A. That is right.

Q. And I gather that you changed from being a night nursing supervisor to evening nursing supervisor in August 1981?

A. Yes.

Q. And you continue in that capacity up till the present?

A. Yes.

Q. And am I correct you are now enrolled at the Canadian School of Management in the Bachelor of Health Services Administration?

A. Yes.

Q. And is that a course that





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requires you to actually attend classes and write papers?

A. Yes, it is.

Q. And will you get a Certificate when you have completed that?

A. Yes. The Certificate comes from Northlands Open University.

Q. From where?

A. Northlands Open University.

Q. And when do you expect to finish that?

A. In two and a half years.

Q. When did you commence it?

A. Last September.

Q. September 1983?

A. Yes.

Q. Can you help us with the nursing hierarchy in the Hospital, Mrs. Johnstone. I gather there is a Director of Nursing?

A. At the...?

Q. At the time in question.

A. Yes.

Q. Things have changed since then, is that right?

A. That is right.





Johnstone  
ex. (Kitley)

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Q. In dealing then with the  
time in question, namely July 1, 1980 to March 30,  
1981, there was a Director of Nursing?

A. Yes, there was.

Q. For part of that time was  
that Miss Geiger?

A. Yes.

Q. And is that G-e-i-g-e-r?

A. I think so.

Q. And did she retire during that  
period of time?

A. Yes, she did.

Q. And was she replaced by Anne  
Evans?

A. Yes.

Q. And assuming then we are  
dealing with a Director, one of those two people,  
next in line were the Assistant Directors of Nursing?

A. Miss Evans was the Assistant  
Director.

Q. Until she became Director?

A. Yes, and she was just acting  
until they hired someone to be Director.

Q. All right. So the Assistant  
Directors of Nursing were Anne Evans --





CC8

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A. Yes.

3

Q. -- and who else?

4

A. There was only one Assistant

5

Director. The others were called Area Coordinators.

6

Q. All right. I was using the

7

wrong term then. There were several Area Coordinators at the time?

8

A. Yes.

9

Q. And was one of them Lea

10

Pyykkonen?

11

A. Yes.

12

Q. And who were the others?

13

A. Miss Richardson.

14

Q. Is that the same Miss

15

Richardson who was the relief on the Category A death, namely Miller?

16

A. No.

17

Q. It was a different Richardson,

18

was it?

19

A. Yes.

20

Q. And who were the other

Area Coordinators?

21

A. Miss Broe.

22

Q. Could you spell that?

23

A. B-r-o-e.

24

25







Johnstone  
ex. (Kitely)

CC9

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Q. Yes?

3

A. That is how you spell it.

4

Q. Any others?

5

A. Miss McLean, Miss Greenleaf,  
Miss Haiplik.

6

Q. That is five, is it?

7

A. I can't remember.

8

Q. Actually if we include Anne

9

Evans, that is six. Now there were six Area Co-  
ordinators, were there not?

10

11

A. Yes.

12

Q. Of those six did you report  
to one of them?

13

14

A. I reported to Mrs. Pyykkonen  
when she came in.

15

16

Q. So when was that that she  
came in?

17

A. At 7:50 in the morning.

18

19

Q. But in terms of the period,  
the number of months that we are interested in from  
July till March, did you consistently report to her?

20

21

A. Yes.

22

Q. And --

23

THE COMMISSIONER: I take it the  
Assistant Director was, if I can use the term,

24

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Johnstone  
ex. (Kitley)

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superior in the hierarchy to the Area Coordinators,  
so really the Area Coordinators reported to her?

THE WITNESS: That is right.

THE COMMISSIONER: You reported to  
one of the Area Coordinators?

THE WITNESS: Yes.

MS. KITLEY: Q. And specifically  
Lea Pyykkonen?

A. Yes.

Q. Was she away during the number  
of months that we are interested in?

A. I think she was away for two  
months.

Q. And during the time that she  
was away to whom did you report?

A. Miss Greenleaf.

Q. And can you help us with  
approximately the months that Miss Pyykkonen was  
away? Was it in the fall of 1980?

A. Yes.

Q. Now I gathered from your  
evidence with Mr. Lamek that you had some concerns  
about what was happening on Wards 4A and 4B?

A. Yes, I did.

Q. I would like to canvass with





CC10 1  
2 you the concerns that you had and what you did with  
3 those concerns.

4 First of all, were they concerns about  
5 the deaths on the one hand and about the coping of  
6 the nursing staff on the other hand?

7 A. Yes.

8 Q. Right. Is it a fair summary  
9 of the concerns?

10 A. Yes.

11 THE COMMISSIONER: Just a minute,  
12 Miss Kitley.

13 MS. KITELY: Is there someone on  
14 their feet?

15 THE COMMISSIONER: I am curious as to  
16 what is going on here.

17 I just want to say again I expect  
18 these television cameras to be set up before we  
19 start. I thought we were down to one; we came up  
20 to two and now we seem to be three and someone is  
21 coming in and doing it right at the time. That's  
22 what I don't want to have happen.

23 MR. LAMEK: I think in defence of  
24 television, Mr. Commissioner, I think it is one  
25 television camera.

THE COMMISSIONER: Oh, sorry. I am







CC11

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not smart enough to know that! Well, what is the  
other?

3

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MR. LAMEK: I think the others are  
known as still cameras, Mr. Commissioner.

5

6

THE COMMISSIONER: Well, as long as  
they are still, I don't mind, but if they start  
moving around then I do object.

7

8

MR. LAMEK: That is right. Those are  
the ground rules; you are quite right, sir.

9

10

THE COMMISSIONER: Yes. Well, there  
doesn't seem to be a stand for this last one.

11

12

MS. KITLEY: Mr. Commissioner, might  
I assist?

13

14

THE COMMISSIONER: Yes.

15

16

MS. KITLEY: It being 3:15 would you  
care to take an early break so that the cameras  
can do what they have to do and I can finish with  
Mrs. Johnstone right after the break?

17

18

MR. LAMEK: It might give me a chance  
to have a chat with the people.

19

20

THE COMMISSIONER: Yes. All right.  
We will break off for twenty minutes.

21

--- recess.

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DM/PS

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---Upon resuming.

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THE COMMISSIONER: Yes, Ms. Kitley.

4

EXAMINATION BY MS. KITELY: (Continued)

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Q. Mrs. Johnstone, before the break I was asking you about the concerns arising out of the deaths of the children, and I am going to pause for a minute and come back to that.

10

11

We have on the bulletin board a diagram of what purports to be generally the hospital, and you will notice that it is in the shape of an E.

12

A. Yes.

13

14

Q. And at the north end the Gerrard Street entrance there is the fourth floor, essentially.

15

16

A. Yes.

17

18

19

Q. I am just trying to get at the south end, which is the Elm Street entrance, and am I correct that that is where the nursing administration is to be found?

20

A. That's right.

21

22

23

24

25

Q. I think Mr. Lamek asked you whereabouts it was and I just wanted to be clear that it is on the fourth floor but quite a bit down at the other end of the hospital.





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A. Yes, it is.

3

Q. A city block away, as it were.

4

A. Yes.

5

Q. And 4C and 4D are down at  
the south end on the Elm Street side.

6

A. That's right.

7

8

Q. And the University Avenue  
entrance that we have on the left hand side of the  
picture is the main entrance into the hospital.

9

10

A. Yes.

11

12

Q. Then directly from the University  
Avenue entrance there is something that has been  
described as the residents on call rooms, and in  
brackets (1980-1981), am I correct that is where  
the residents would have been sleeping during the  
on call hours?

13

14

15

16

A. Yes.

17

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Q. And so with respect, for example,  
to Justin Cook when Kantak was called he would likely  
have called "Come in" from the residents on call  
room.

21

22

A. That's right.

23

24

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Q. Now, if we can go back to where  
we left off before the break.

THE COMMISSIONER: Do you want to do





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anything with that beautiful document?

3

4

MS. KITLEY: It was mostly explanatory, sir, I don't know that it needs to be made an exhibit.

5

6

THE COMMISSIONER: All right. Thank you.

7

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9

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Q. We categorized your concerns with respect to the events on the wards as two-fold; on the one hand the deaths, and on the other hand the effect on the nursing staff.

11

A. That's right.

12

13

14

Q. Now, with respect to the deaths, did you -- was it your habit or requirement to report deaths on the tour end report?

15

A. Yes.

16

17

18

Q. And so any that occurred during the times that you were on duty that Mr. Lamek has spent time with this morning would appear on the tour end reports if they were before us here.

19

A. Yes.

20

21

Q. And so at the end of your tour of duty, would you report to someone?

22

A. I reported to Mrs. Pyykkonen in the morning.

23

24

25

Q. And so on each occasion when there







1  
2 had been deaths on the ward, not only would you have  
3 written it in the tour end report but you would have  
4 specifically told Mrs. Pyykkonen?

5 A. Yes.

6 Q. Now, other than Mrs. Pyykkonen,  
7 I understand that you spoke to Dr. Freedom, we heard  
8 you give evidence in that connection.

9 A. Yes.

10 Q. And do I understand you also  
11 spoke to Miss Geiger about it?

12 A. Yes. When I had been in charge  
13 of the hospital on weekends when she would come in and  
14 I had been in charge the night before, I would tell  
15 her what had transpired during the night. If there  
16 had been deaths I would notify her of them.

17 Q. And did you also during the time  
18 in question speak to Miss Sword?

19 A. Yes, she was my immediate super-  
20 visor.

21 Q. Was she in between you and Mrs.  
22 Pyykkonen; you say you reported to Mrs. Pyykkonen.

23 A. Well, Miss Sword is called  
24 Assistant Director of Nursing on the 11 to 7 shifts,  
25 and so she would be there for the 8 hours that I was  
there. Mrs. Pyykkonen would be the day person, the





1  
2 day supervisor for the area.

3 Q. And so would you have -- would  
4 the tour end report have ended up with Miss Sword  
5 as well as Mrs. Pyykkonen?

6 A. No, just with Mrs. Pyykkonen.

7 Q. If there were deaths during  
8 your tour would you have spoken and informed Miss  
9 Sword of those?

10 A. Oh, yes, I would have.

11 Q. Were you aware that in  
12 September, 1980, there was two mortality meetings?

13 A. Yes.

14 Q. And were you aware of why those  
15 were called or organized?

16 A. I can't remember who it was that  
17 told me, but they had said that they were called to  
18 look into the deaths to see if they could find a  
19 reason why these children had died.

20 Q. And those meetings having  
21 occurred during the day, not when you were on duty, you  
22 would not have attended for that reason alone.

23 A. No, I didn't attend any meetings.

24 Q. Now, insofar as you saw your  
25 responsibilities, did you see that you fulfilled them  
by reporting to Miss Sword and Mrs. Pyykkonen?





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A. Yes.

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Q. I would like to deal with the question of the stress that you saw as far as the coping mechanisms of the nursing staff with respect to the deaths.

A. Yes.

Q. You reiterated a conversation that you had with Liz Radojewski about a psychiatrist.

A. Yes.

Q. Do you recall that evidence?

A. Yes.

Q. Did you take that any step further; did you speak to any of these other area coordinators or the assistant director?

A. I think I mentioned it to Mrs. Pyykkonen also.

Q. Do you recall speaking about it to anyone else?

A. I think just the two of them, and Mary Costello.

Q. The other head nurse?

A. Yes.

Q. Do you recall from your discussion with Mrs. Pyykkonen what the reaction was, or the response?

A. I can't remember.







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Q. As a result of your conversation with Mrs. Pyykkonen, do you know whether a psychiatrist was put in place before the charges were laid against Susan Nelles?

A. I think there was a psychiatrist assigned to the ward but it was only four hours a week and it was to deal mostly with any problems with the children, rather than as support service for the nursing staff.

Q. Did you see a psychiatrist or some mental health therapist was needed for members of the staff?

A. I felt that the nurses needed to talk to a professional.

Q. I would like to deal with a couple of things that Mr. Lamek raised in your evidence in connection with the arrest of Baby Manojlovich.

A. Yes.

Q. I understand him to ask you who was present in the room when you arrived after the Code 25, do you remember that?

A. Yes.

Q. I think you said Phyllis Trayner was there.

A. Yes.





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Q. And Mr. Lamek asked you whether there were any other 4A nurses there when you arrived, do you remember that?

5

A. Yes.

6

Q. I think you said there were not any that you could recall.

7

A. Yes.

8

Q. Do you recall that?

9

A. Yes.

10

Q. Now, am I correct that when the code was called that generally speaking any of the RN's that were on the floor that didn't have their hands full, or were not in constant or shared nursing care would go to that particular room?

14

A. Yes.

15

Q. But by the time you got there in response to the code, it is conceivable that the team leaders would have sent away the unnecessary bodies.

18

19

A. That's right.

20

21

Q. And you would have expected when you got there to have seen at least both team leaders?

22

A. Yes.

23

24

Q. And so in the case of Manojlovich

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you wouldn't have thought it peculiar that Phyllis  
Trayner was there when you arrived.

3

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A. No, I wouldn't.

5

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Q. Now, with respect to incident  
reports, I am showing to you what appears to be a  
copy of an incident report, is this the form that is  
used in the hospital now?

8

9

A. Yes.

10

11

12

Q. And this document is in several  
copies.

THE COMMISSIONER: Is that as  
distinct from what was used then?

13

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MS. KITELY: I should have asked that  
question.

15

16

Q. Was an incident report in  
substantially this form in use between July, 1980 and  
March, 1981?

17

18

19

A. Yes.

Q. And this has four copies, a white,  
a pink, a green and a yellow, is that correct?

20

21

22

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A. Right.

Q. And on the reverse there appears  
to be an indication of the distribution, namely the  
white goes to the patient's chart; the pink to the  
hospital secretary; and the buff to the nursing office,





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is that correct?

A. That's right.

Q. Where would the other one go?

A. The green one?

Q. Yes.

A. One went to Miss Geiger and  
the other one went to the area coordinator, which  
in the case of 4A/B would be Mrs. Pyykkonen.

Q. So looking at the general instruc-  
tions on the back, while the white and pink we have  
eliminated, the buff and the green go to the nursing  
office?

A. That's right.

MS. KITELY: Mr. Commissioner, could  
that blank incident report --

THE COMMISSIONER: We had one in the  
case of Inwood, did we not, is this different?

MS. KITELY: We have a copy of the  
Inwood incident report, we have a dozen by now. The  
point of this one is it is blank and it indicates  
the distribution.

THE COMMISSIONER: All right.

MS. KITELY: You will recall there was  
some question about why the incident reports were not  
attached to the chart.







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THE COMMISSIONER: All right.

A blank incident report, what number are we at?  
355?

---EXHIBIT 355: Blank incident report.

Q. Dealing with the incident  
report of the Inwood child, you were on duty that  
night?

A. Yes.

Q. That was the same night as the  
Manojlovich and Pacsai problem?

A. Yes.

Q. And am I correct that the Inwood  
drug error occurred basically between Manojlovich  
and Pacsai getting into difficulties?

A. Yes.

Q. And an incident report was  
duly prepared and sent in the ordinary course of  
events?

A. Yes, it was.

Q. And did you have occasion after  
that incident report was filed to write a memo to Ms.  
Geiger and Mrs. Pyykkonen about the incident?

A. Yes, I did.

Q. I am showing to you a copy of  
a memorandum to Ms. Geiger and Mrs. Pyykkonen, and is





1  
2 that a copy of approximately what you sent to Ms.  
3 Geiger and Mrs. Pyykkonen?

4 A. Yes, it is.

5 Q. I say approximately because it  
6 is in fact a draft and you rewrote it.

7 A. Yes, it is a draft.

8 MS. KITLEY: Mr. Commissioner, I would  
9 offer a copy of the memorandum with respect to the  
10 incident report re. Kristin Inwood as the next exhibit.

11 THE COMMISSIONER: Exhibit 356.

12 ---EXHIBIT NO. 356: Copy of memorandum with respect  
13 to incident report re. Kristin Inwood.

14 Q. Can you help us, Mrs. Johnstone,  
15 as to why you wrote this memo?

16 A. I just wrote it so that Ms.  
17 Geiger and Mrs. Pyykkonen would be aware of what was  
18 happening on the ward that night, that the ward had  
19 been extremely busy and the nurses had a couple of  
20 upsetting incidents happen.

21 Q. You indicate on the second to  
22 last --

23 MR. PERCIVAL: Excuse me, what I have  
24 here looks like a photostat of the formal one, do you  
25 want it rather than the draft?

MS. KITLEY: Certainly, Mr. Percival.





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MR. PERCIVAL: Mr. Commissioner,  
I think the best evidence rule should apply.

THE COMMISSIONER: Thank you.  
Sometimes we want not only the best but the second  
best as well. I don't know, is there a difference?

MS. KITELY: And in the case of hear-  
say the third best.

THE COMMISSIONER: Is there a difference  
between the --

MR. PERCIVAL: There seems to be some.

MS. KITELY: It is set out differently  
on the page, sir.

Q. Mrs. Johnstone, do you recall  
when you actually sent this memorandum to Ms. Geiger  
and Mrs. Pyykkonen whether you made any changes in  
substance between the memorandum in your left hand and  
the one now in your right hand?

---







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A. I added the 25 call for Kevin Pacsai.

Q. You are referring to paragraph numbered 5 in the memorandum produced by Mr. Percival. Am I correct that it reads:

"At 0600 25 call for Kevin Pacsai again transfer to ICU."

A. Yes.

Q. And that is added in the one on your right hand and not in the one on your left?

A. That's right.

MS. KITELY: Mr. Commissioner, perhaps we ought to make the more complete memorandum from Mr. Percival the exhibit. I don't know whether we need the previous one or we ought to simply just substitute.

THE COMMISSIONER: All right. Well, we will substitute then, 356 for the other one.

MS. KITELY: Q. Now, dealing with the second to last paragraph which I believe is consistent in both copies and therefore my friends can follow, it indicates, and I am quoting:

"I'm not trying to justify the error made."





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Now, what was your objective in  
writing this memorandum?

3

4

A. Just to point out this stress  
that the nurses had been on during the night.

5

6

Q. And why did you think that  
that needed justification in this memorandum, or  
explanation, rather, you say you are not justifying?

7

8

A. I just felt it was necessary  
for people to know what had transpired during the  
night on the ward leading up to this incident.

9

10

11

Q. Am I correct that in your tour  
end report you would simply report the death of  
Manojlovich?

12

13

A. That's right.

14

15

Q. And would you report the  
incident, the Inwood incident, or is that something  
that would go on the tour end report?

16

17

A. I would add that on or I would  
pass it on verbally to Nurse Pyykkonen and give her  
a copy of the incident report.

18

19

20

Q. Do you recall whether the  
tour end report at the end of this shift referred  
to the Pacsai difficulties?

21

22

A. I am fairly certain it did.  
If the child wasn't on it before I made my rounds by

23

24

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3 the time I made my rounds and saw that he was in  
4 difficulty I would have added him to the tour end.

5 Q. And since we don't have the  
6 tour end reports with us, am I correct that your  
7 comments on them are essentially factual?

8 A. Yes.

9 Q. And that if you would add to  
10 any incident by description you would have to do it  
11 by memoranda as you did in this particular case?

12 A. Yes.

13 Q. Now, I would like to then  
14 deal with the weekend of March 20th and 21st. Before  
15 I get to Saturday night can you tell me whether you  
16 were aware by Saturday evening that an inquest had  
17 been anticipated with respect to Pacsai?

18 A. I think the nurses on 4A had  
19 told me Friday night some time during the night on  
20 Friday.

21 Q. The March 20th night?

22 A. Yes.

23 Q. Right. And when they told you  
24 did you hear from them what the level of Pacsai was?

25 A. No, I did not.

Q. So that when you got to work  
on the Saturday night did you at that time have any







E4

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knowledge of what the Pacsai digoxin level was?

3

A. No.

4

Q. Did Mrs. Ross tell you?

5

A. I don't recall her telling me,

6

no.

7

Q. All right. Now, you indicated

8

to Mr. Lamek that you had had a discussion with

9

Miss Ross or Mrs. Ross on the Saturday night when

10

you reported for duty?

10

A. Yes.

11

Q. In fact, did you receive a

12

handwritten memorandum from Mrs. Ross?

13

A. Yes, I did.

14

Q. I am showing to you two pages,

15

the bottom one being a handwritten memorandum from

16

Miss Ross to Miss Geiger via L. Johnstone and

17

M. Richardson.

17

A. Yes.

18

Q. Are you the L. Johnstone

19

referred to there?

20

A. Yes.

21

Q. And on top of that is a hand-

22

written note dated Sunday a.m. 22/3/81. Is that

23

handwritten note in your handwriting?

23

A. Yes, it is.

24

25







Johnstone, ex.  
(Kitley)

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MS. KITLEY: Mr. Commissioner, I  
would offer those two, the handwritten memo from  
Miss Ross with the note from Miss Johnstone as the  
next exhibit.

THE COMMISSIONER: It's from  
Miss Ross?

MS. KITLEY: The bottom one says  
from Miss Ross to Miss Geiger.

MR. PERCIVAL: May I ask from whose  
file this came from, Mr. Commissioner.

MS. KITLEY: Q. Miss Johnstone,  
can you help us from where this document came?

A. It came from me.

Q. And when did you find it?

A. When did I find this?

Q. Yes.

A. Just a couple of weeks ago  
when I was looking for the note concerning the  
incident report on 4B to give to you.

Q. The one that we have just looked  
at?

A. Yes.

Q. When you were looking for the  
Inwood memorandum you found this document that we  
are now looking at?





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A. Yes, I found it in my desk at home.

MS. KITELY: Is that satisfactory, Mr. Commissioner.

THE COMMISSIONER: Well, it was Mr. Percival who asked the question and he will be able to deal with that in due course.

MR. PERCIVAL: Yes, I will.

THE COMMISSIONER: That will be 357.

---EXHIBIT NO. 357: Handwritten memorandum from Miss Ross to Miss Geiger via L. Johnstone and M. Richardson, and handwritten note dated Sunday, A.M. 22/3/81.

MS. KITELY: Q. Now, dealing with the bottom document, the memorandum from Miss Ross, were you actually given a copy or the original of this on the night of March 21st?

A. I don't have the original, no.

Q. But were you given one on that occasion?

A. No, I don't think so.

Q. All right. And did Miss Ross give an explanation when she gave you this memorandum or was the explanation what Mr. Lamek had discussed with you earlier?





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A. She explained to me that she had been at - what Mr. Lamek had said this morning - that she had been at this meeting and that they had to go around and lock up all the dig.

6

7

8

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Q. So, looking at roughly the middle of the page where I believe it says PAR and MOPD not notified. Can you help us with what that means?

10

11

A. PAR refers to the recovery room, post anaesthetic room and MOPD is the medical out-patients department.

12

13

14

15

16

Q. And those were the two that I think you indicated, MOPD closed about 10 o'clock and therefore would have been locked up and you personally went with an ICU staff nurse to lock up the PAR?

17

18

19

20

A. I went with the PAR staff nurse who was working in ICU to lock up the digoxin in PAR.

21

22

23

24

25

Q. All right. So, was this memorandum then you had shortly after your tour of duty commenced on March 21st?

A. Yes.

Q. Now then there is a handwritten letter attached to that on the top of what has been marked Exhibit 357. I understand that to be your







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E8      handwriting?

3                    A.      Yes, it is.

4                    Q.      It says to Mary at the top.

5      Can you tell us to whom that is directed?

6                    A.      Miss Sword.

7                    Q.      And why were you doing this  
8      memorandum, or letter, rather, to Mary Sword?

9                    A.      I did it because she was coming  
10      on duty on the Sunday night and I would not be there  
11      to tell her myself.

12                    Q.      And I take it that when you  
13      say in the first paragraph "Attached is a photocopy  
14      of the memo sent to Miss Geiger" that what is now  
15      stapled to your letter is the memo that you attached  
16      to the letter to Mary?

17                    A.      Yes.

18                    Q.      In other words, we find this,  
19      albeit a photocopy, in the same condition as what  
20      you gave to Mary Sword.

21                    A.      That's right.

22                    Q.      Now, let's look at the first  
23      paragraph.

24                    A.      Yes.

25                    Q.      The second sentence, and I'm  
quoting:





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"I think it is self-explanatory. Several babes that have arrested have apparently had high digoxin levels, therefore, the concern."

Can you help us, Miss Johnstone, with anything Miss Ross told you about that caused you to write that sentence?

A. I don't know. I don't know why I wrote that sentence. I don't know if she did tell me that there had been some elevated dig. levels but I feel she must have because I wrote it there.

Q. Now, to your knowledge, did Mary Sword receive a copy of this letter and of the memo?

A. As far as I know.

Q. You didn't see her, that was the reason for writing the letter?

A. That's why I wrote the memo because I did not see her.

Q. All right. I would like now to deal briefly with Cook on the Saturday night.

A. Okay.

Q. And I understood from your evidence that the Inderal was at the end of the bed.

A. Yes.





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Q. And that you were there when  
Dr. Kantak administered the first dose of Inderal?

4

A. Yes, I was.

5

6

Q. I'm in the middle of the night  
now, you are with me there, are you, Miss Johnstone?  
So, you were there when that was done. And then am  
I correct that he went to the telephone to call  
Dr. Jedeikin?

8

9

A. That's right.

10

11

Q. And the purpose of that was  
to talk to him about Cook?

12

A. That's right.

13

14

Q. And am I accurate that  
Dr. Jedeikin was not then in the Hospital?

15

A. That's right.

16

17

Q. At the time Dr. Kantak telephoned  
Dr. Jedeikin, Dr. Jedeikin was not in the Hospital?

18

19

A. Not that I'm aware of. He  
said he was at home. Dr. Kantak said that Dr. Jedeikin  
was at home.

20

21

22

Q. So, Dr. Kantak got off the  
telephone and came back into the room and administered  
the second Inderal?

23

A. Yes.

24

25

Q. And was it at that time that you





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suggested to him that Dr. Jedeikin ought to be called to come to the Hospital?

A. When he came back into the room he said that he had been told to give another dose of Inderal and that Dr. Jedeikin was coming in.

Q. Did he say when Dr. Jedeikin was coming in?

A. He didn't give a time, no, he just said he was coming in.

Q. Did you have the impression that Dr. Jedeikin was on his way?

A. Yes.

Q. All right. And after the second Inderal was administered it was your opinion that Cook was not responding?

A. That's right.

Q. Did you express the opinion that someone ought to be called until Dr. Jedeikin could get there?

A. Yes, I felt someone more senior should be there.

Q. And who was it you were suggesting should be called?

A. The associate resident that was on call that night for the Hospital.







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Q. And who would that have been?

A. I can't remember who it was.

Q. All right. Now, I appreciate there are some niceties as between doctors and nurses but is it fair to say you insisted that someone else be called?

A. Yes.

Q. And you were on your way to the telephone to call someone when in fact Dr. Jedeikin walked in?

A. Yes.

Q. And is it fair to say that Dr. Kantak was initially reluctant to have someone else called in?

A. Yes, he was.

Q. Now, if I can ask you to look at Exhibit 353. Do you have a copy of that?

A. One second.

Q. It is your handwritten notes.

A. Yes.

Q. Would you turn with me to page 4, which is the fourth page down, sir.





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Have you got page 4?

A. Yes.

Q. The first full paragraph starting with "As Justin was not improving", is that meant to be your recollection of the events with respect to Cook and Dr. Kantak that we have gone through?

A. Yes.

Q. Now you had been asked whether you attended the meeting at Liz Radojewski's house on Monday, the 23rd of March, and you indicated you had not?

A. No, I did not.

Q. Were you aware that the nurses on 4A and/or 4B did meet as part of the general course of events?

A. I heard about the meeting when I returned to work on Tuesday.

Q. Aside from that specific meeting would you during the months we are interested in, from July until March, have known that the nurses met?

A. Yes.

Q. And from the time that you worked as a staff nurse did nurses in The Hospital





FF2

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for Sick Children frequently meet to discuss issues  
arising out of the nursing?

3

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A. Yes, they did.

5

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Q. And you said that you did  
subsequently hear about the meeting at Mrs.  
Radojewski's house?

7

8

A. That is right.

9

Q. And when was it that you  
heard?

10

11

A. I think it was the Tuesday  
when I returned to work, but it could have been  
Wednesday.

12

13

Q. Do you recall from whom you  
heard it?

14

15

A. I heard it from the nurses  
on 4A, but a specific nurse, I am not sure because it  
would depend. People who were on Tuesday night  
would not necessarily be on Wednesday night.

16

17

18

Q. But from whomever you heard  
it were you told to keep the information that there  
had been a meeting secret?

19

20

21

A. No.

22

23

Q. Was there any impression that  
you had in receiving this information that it was a  
secret meeting in any respect?

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A. No.

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Q. And if nurses in your experience have met to discuss issues, were you familiar with the fact that they might meet both in the ward and off the ward?

A. That is right.

Q. And when you heard about this meeting you say was when you returned to the ward, did you think it unusual that the meeting had taken place off the ward?

A. Not at all, no.

Q. We have heard some evidence from Mrs. Bell, and it arises out of the administration of medication to Baby Miller, and Mrs. Bell indicated in response to the Commissioner's questions that a nurse might give a medication and another might sign for it.

Are you familiar with that evidence?

A. Yes.

Q. And during your years' experience as a nurse have you ever seen or heard of that practice?

A. I haven't seen anyone do it but I have heard that it has happened.

Q. And what is your view of that





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having happened?

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A. It should not be done; it

4

is not a good nursing practice to do it.

5

THE COMMISSIONER: Is there any rule?

6

Have you taken any position? Was it somebody under  
your jurisdiction who did it?

7

THE WITNESS: As I worked as a

8

supervisor?

9

THE COMMISSIONER: Well, any time.

10

Has anyone over whom you had any control -- I am

11

wondering whether any steps are taken to prevent

12

this sort of thing happening or how it is approached  
by the people in charge.

13

THE WITNESS: When they go into

14

nurses' training and they start learning about

15

medications and administering them, you are taught

16

not to sign for anything that you haven't given your-

17

self and not to accept responsibility for any

18

medication that you haven't drawn up yourself.

19

THE COMMISSIONER: Another problem

20

too, it was suggested possibly it might have been

21

filled in before it had happened. It might have been

22

signed off before it had actually been administered.

23

Is that permitted?

24

THE WITNESS: No, it is not. It

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shouldn't be.

3

THE COMMISSIONER: Yes. All right.

4

MS. KITLEY: Thank you, sir.

5

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Q. I understand from the answers that Mr. Lamek took you through this morning that when you worked you were usually in charge of Wards 4A/4B as supervisor?

8

A. That is right.

9

10

11

12

Q. So during the months that we are interested in is it fair to say that you became familiar with most of the people that worked on the floor?

13

A. Yes.

14

15

16

Q. And is it also fair to say that you had reasonable rapport with the people on Bertha Bell's team on the one hand and Phyllis Trayner's team on the other hand?

17

A. Yes, I did.

18

19

20

Q. And it was because of this rapport having been established that you would return to the ward occasionally to have coffee with them?

21

A. That is right.

22

Q. And so on the Sunday evening, March 22nd, you were off duty?

23

A. Yes, I was.

24

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Q. And we have heard evidence from Bertha Bell that commencing on the Sunday there were supervisors out on the floor at all times.

A. Yes.

Q. And since you were off the floor it clearly wasn't you on the Sunday night?

A. That is right.

Q. Or on the Monday night?

A. No.

Q. And you came back on the Tuesday?

A. On the Tuesday.

Q. Dealing with the Sunday night and Monday night, do you know who the nursing supervisors were on the floor?

A. I don't know who was assigned to go there.

Q. Were they any of Sword, James, Coulson or Carter, to your knowledge?

A. I couldn't tell you because I wasn't there. It could have been Cathy Coulson but I am not sure.

Q. When you returned to duty on the Tuesday night did you speak with the nurses on the







FF7

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floor as to the presence of these supervisors?

3

4

5

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A. I can't remember but I probably did. They probably expressed their concerns to me about why these extra people were there watching everything that they were doing.

7

8

Q. And do you recall whether they expressed any concern about who these extra people were?

9

10

11

12

13

A. Some of them were unfamiliar nurses to them. Some of them were part-time nurses that worked on a daily -- a part-time basis with us at the Hospital, and they were sort of resentful of that fact.

14

15

16

Q. And then when you came on duty on the Tuesday night from eleven till seven, was it your job to remain on the floor the entire night?

17

18

19

A. Yes.

Q. And how many days did that go on?

20

A. It was --

21

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THE COMMISSIONER: Could I interrupt just for a moment. I have some trouble. I am looking at Exhibit 351 which is the rotation work sheet. I think I probably have got it wrong. But if





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it is the night of the 22nd, it is the Sunday, is it not?

THE WITNESS: That is right.

THE COMMISSIONER: Oh, I see, the 22nd would actually be the 3:00 -- no, it wouldn't. What is the night?

THE WITNESS: 11:15 to 7:00.

THE COMMISSIONER: Well, that will start then on the 22nd and that is when you say you weren't on?

THE WITNESS: No, I wasn't.

THE COMMISSIONER: I find you on here - have I got this wrong?

MS. KITELY: On the 24th you are seeing her, sir.

THE COMMISSIONER: Yes. I honestly don't know what I am doing here. The 22nd, I can't read this very well. I still seem to have you on the night shift on the 22nd, but I am wrong I guess.

THE WITNESS: No, I was off the Sunday and Monday.

THE COMMISSIONER: I guess you are right. You were off on the 22nd and 23rd. Then you do start in again on the 24th.

THE WITNESS: 24th, yes.





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MS. KITLEY: Q. Starting at eleven  
o'clock on the 24th, wasn't it?

3

4

A. That is right.

5

THE COMMISSIONER: Then the only  
person that appears to have been on on the night  
of the 22nd if I have this correct is Miss Sword,  
Miss James?

6

7

8

THE WITNESS: Miss Sword --

9

THE COMMISSIONER: Miss James and  
also possibly Miss Coulson?

10

11

THE WITNESS: That "N" beside Miss  
James' name I think is the end of the word "vacation".

12

13

THE COMMISSIONER: Oh, I see. So it  
would be Miss Sword and Miss Coulson?

14

15

THE WITNESS: And Mrs. Carter. It is  
hard to see at the bottom of the page there.

16

17

THE COMMISSIONER: Certainly it is  
hard to see on this one. It is cut right off.

18

THE WITNESS: Yes.

19

THE COMMISSIONER: Does that help  
you, though, at all as to who the supervisors would  
have been that night?

20

21

THE WITNESS: I know that those  
people worked but I wasn't there so I don't know  
who --

22

23

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THE COMMISSIONER: No. All right.

3

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THE WITNESS: Miss Coulson might be  
able to help you.

5

6

THE COMMISSIONER: Yes. All right.  
Thank you.

7

8

9

MS. KITELY: Q. Do you know from your  
discussion with the nurses when you returned whether  
supervisors with whom they were not generally  
familiar had been called on the ward?

10

11

12

13

A. That is right.

14

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Q. And do you know from your  
discussions with them whether they also had super-  
visors all day and all during the evening shift?

A. I can't remember for sure,  
but I think there were people placed there for the  
whole 24-hour period.

Q. And during the time that you  
were on, commencing on the Tuesday evening, was it  
one of your jobs to dispense all of the medications?

A. I didn't dispense any medi-  
cation. I was just there present on the ward to  
supervise and handle anything that might come up.

Q. Did you have the keys?

A. No, I didn't.

Q. Who had the keys?





FF11

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A. The team leaders did.

3

Q. On the Tuesday night?

4

A. Yes, the Wednesday night --

5

Tuesday night, sorry.

6

Q. Which is it? Tuesday?

7

A. Right.

8

Q. Rather than your usual tour

9

of duty, which was Area 6, you remained on the ward  
the entire night?

10

A. That is right.

11

Q. Now I would like to deal for

12

a few moments as my final topic today with the  
contact that you had with the police officers.

13

A. Okay.

14

Q. Do you have Exhibit 353 in

15

front of you? That is your handwritten notes again.

16

A. Yes.

17

Q. Before getting into the

18

substance of your contacts, can I just ask you

19

whether in your normal tour of duty working on Area 6

20

you would have been in contact or seen between 110

21

and 130 patients per shift?

A. Yes.

22

Q. And the only records you would

23

have of those patients that you saw would be the tour

24

25





FF12 2

1  
2 end reports?

3 A. That is right, because we  
4 wrote the census for the ward on the tour ends  
5 also.

6 Q. Incidentally you might have  
7 a record such as what we have made an exhibit in  
8 connection with the Inwood incident report?

9 A. Yes.

10 Q. Now I understand that you  
11 were interviewed by Sgt. Sangster on March 27th,  
12 and it appears that interview was in the morning?

13 A. That is right.

14 Q. When you attended for that  
15 interview did you know it was going to happen before  
16 it happened?

17 A. On the Thursday night when I  
18 came in on duty there was a note left for me from  
19 Miss Evans to say that I was to see her in the  
20 morning and that she would be in early to see me,  
21 and that is all that was said in the note.

22 Q. Am I correct that your inter-  
23 view with the police took place at the end of one  
24 of your shifts of duty?

25 A. That is right.

Q. And I think we are looking





FF13

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at the Saturday morning now, are we?

3

A. Friday morning.

4

Q. Friday morning?

5

A. Yes.

6

Q. And when you then saw her  
in the morning did she tell you what she wanted you  
to do?

8

A. She told me that, yes, a  
member of the police force wanted to interview me  
and that there had been a meeting with Mr. Bill  
Carter who was a lawyer for the Hospital at that  
time, and that he advised everyone that they didn't  
have to sign the statements and also that after  
we went home we should sit down and make some notes  
of our own as to what transpired during the inter-  
view.

16

Q. And that is what you were told  
before you had the interview with the police?

18

A. That is right.

19

Q. Did she tell you what they  
wanted to talk to you about?

20

21

A. I don't think so. I can't  
remember for sure.

22

23

Q. When you had that meeting  
was that after Susan Nelles had been charged with the

24

25







Johnstone  
ex. (Kitley)

FF14 1  
2 death of Justin Cook?  
3 A. Yes.  
4 Q. And to your knowledge was it  
5 before the second set of charges on the other three  
6 children?  
7 A. Yes.  
8 Q. So when you went to that  
9 meeting with the police officer you had knowledge  
10 just of the Cook child?  
11 A. Yes.  
12 Q. And since you weren't given  
13 a great, huge description of what you were supposed  
14 to do there, when you arrived at this meeting with  
15 Sgt. Sangster what did you think was expected of you?  
16 A. I wasn't sure what was  
17 expected of me.  
18 Q. Did you meet with more than  
19 Sgt. Sangster?  
20 A. No. He was the only officer  
21 there.  
22 Q. And to your knowledge did he  
23 prepare some handwritten notes of that meeting on  
24 March 27th?  
25 A. Yes, he did.





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Q. And am I correct that those  
handwritten notes comprise 9-1/2 pages?

A. Yes.

Q. And were you asked to read the  
handwritten notes that he prepared?

A. Yes, he asked me to read them  
over before I left.

Q. And did you read them over?

A. Yes, I did.

Q. Did he ask you to sign them?

A. He did ask me to sign them.

Q. Did you decline to do so?

A. That's right.

Q. Why was it you declined?

A. Because I was told that I didn't  
have to sign them.

Q. And having read the 9-1/2 pages  
over, did he give you or offer to give you a copy?

A. No, he did not.

Q. Am I correct that essentially  
what you discussed with Sergeant Sangster was  
Justin Cook?

A. That's right.

MR. PERCIVAL: I gather the witness  
has the 9-1/2 pages in front of her because I heard





Johnstone  
ex. (Kitely)

1  
2 flip, flip, flip and I just want to make sure that is  
3 what she is flipping.

4 Q. Do you have a copy of the March  
5 27th --

6 A. Yes.

7 MR. PERCIVAL: I didn't want to leave  
8 the impression that she has never seen them until this  
9 moment in time, Mr. Commissioner.

10 MS. KITELY: I was going to deal with  
11 that in due course, sir.

12 THE COMMISSIONER: It is getting late  
13 in the day?

14 MS. KITELY: It is not even Thursday,  
15 either.

16 Q. Am I correct, Mrs. Johnstone  
17 that essentially what you discussed on the 27th was  
18 Justin Cook?

19 A. That is right.

20 Q. Were you asked about your own  
21 background, namely, your education and nursing training?

22 A. Yes, I was.

23 Q. And were you asked in general  
24 terms about your duties as a night supervisor?

25 A. Yes.

Q. And then were you asked general







1  
2 questions such as what happened the night Justin  
3 Cook died?

4 A. Yes, I think I was asked to  
5 describe my nights.

6 Q. On that night?

7 A. On that night, yes.

8 Q. And when you were asked to  
9 describe it, were you offered or was there a copy of  
10 the tour end report?

11 A. No.

12 Q. Were there any documents there  
13 for you to look at?

14 A. No.

15 Q. Am I correct that towards the  
16 end of the 9 pages that certain questions were put  
17 to you, specifically on page 10?

18 A. Yes.

19 Q. And quoting from page 10:

20 "Q. Were you present when any drug  
21 was administered to Justin Cook?

22 A. I was present when Dr. Kantak  
23 gave the Inderal."

24 A. Yes.

25 Q. "Q. Did you administer any  
drug to Justin Cook?





1

2

"A. No, I did not."

3

Do those questions and answers coincide with your  
4 recollection?

4

5

A. Yes.

6

Q. When you left that meeting on

7

March 27th, did you have any impression that the police  
officers were interested in any deaths other than Justin  
8 Cook?

9

A. No, I didn't.

10

Q. Or that the police officer,

11

singular, was interested in any personnel?

12

A. No.

13

Q. Were you asked about Susan

Nelles?

14

A. I have to look at my notes again.

15

Q. Would you look at them, please?

16

THE COMMISSIONER: I am sorry.

17

THE WITNESS: I just said I have to

18

read my notes again.

19

THE COMMISSIONER: Yes.

20

MR. PERCIVAL: This is 9-1/2 pages, and

21

my friend has opened it and I certainly wouldn't have,

22

I think if she is going to allude to it it has to go

in now, I didn't bring it up.

23

THE COMMISSIONER: The trouble with

24

25





1  
2 this, Ms. Kitely, it is almost in line with what I  
3 said when this matter came up before. I am not  
4 prejudging what happens on Thursday, but when the  
5 statement is referred to it strikes me at that point  
6 it ceases to be a private document.

7 That is the problem. I take it you  
8 understand that, do you?

9 MS. KITELY: I don'tt have any difficulty  
10 with making it an exhibit, sir, I don't have copies.

11 THE COMMISSIONER: Does anyone object  
12 to it?

13 MS. KITELY: My friends, Mr. Brown and  
14 Ms. Förster might want the usual opportunity to look  
15 at the document.

16 THE COMMISSIONER: You have it, do  
17 you not, surely do you not have copies of this docu-  
18 ment both of you?

19 MS. FORSTER: I don't have it.

20 THE COMMISSIONER: Is that right?

21 MS. FORSTER: Again I assume I don't  
22 because of my understanding with commission counsel.

23 THE COMMISSIONER: That is too subtle  
24 for me.

25 MS. FORSTER: You will recall the  
other day when this issue arose Ms. Cronk advised you





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that it had been the policy of commission counsel to give us any statements that have implicated or exculpated our client.

THE COMMISSIONER: Yes, I see.

MS. FORSTER: I assume for that reason I haven't seen it.

THE COMMISSIONER: What about giving a copy of the statement to Ms. Forster to peruse overnight. Then if you have no objection it will go to everybody tomorrow morning. If you do have any objection it may still go to everybody tomorrow morning, but you will at least have the first opportunity. Yes, all right.

MS. KITLEY: Thank you, sir.

Q. Following your meeting with Sergeant Sangster on the 27th, did you in fact make the notes which we have had marked as Exhibit 353?

A. I didn't make them until Sunday.

Q. And as Mr. Percival pointed out earlier, there are apparently certain parts to this, and I would like to identify them with you. Pages 1, 2, 3, 4 and 5, were they done on Sunday, March 29th?

A. Yes, they were.

Q. Let's look at the next one.  
The first one is Sunday, March 29th -- in retrospect,







1

2

was that done at the same time as pages 1 to 5?

3

4

A. No, I wrote it a bit later in the day, but on Sunday, the 29th.

5

6

7

Q. Now, let's turn the page, we then have an entry which is headed Thursday, October 28th, 1982 and that page is numbered 1.

8

9

THE COMMISSIONER: Wait a minute.

MS. KITELY: Are your pages not in order now, sir?

10

11

12

THE COMMISSIONER: I think they are but I must be looking at the wrong -- did you start -- which --

13

14

MS. KITELY: There are five numbered pages, sir.

15

16

THE COMMISSIONER: That's right.

MS. KITELY: There is an unnumbered page with the heading, "March 29th".

17

18

19

THE COMMISSIONER: Yes.

MS. KITELY: And she has indicated that was done on the 29th, but later.

20

21

THE COMMISSIONER: Yes, and you turn the page and you get --

22

23

MS. KITELY: Thursday, October 28th, 1982.

24

25

THE COMMISSIONER: Yes, all right.





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MS. KITLEY: And the number on the  
right hand side, number 1.

4

THE COMMISSIONER: Yes.

5

MS. KITLEY: And the next page is  
numbered 2, and the page after that 3.

6

7

Q. When were those last numbered  
pages, 1, 2 and 3 done?

8

9

A. They were done on the Thursday  
night.

10

Q. On Thursday, October 28th, 1982?

11

A. That's right.

12

13

14

Q. I will come back to those in a  
moment, then. I understand that after the interview  
with Sergeant Sangster on the 27th you had another  
interview with the police?

15

A. Yes.

16

17

Q. And that was on April the  
29th?

18

A. Yes.

19

Q. 1981?

20

A. Yes.

21

Q. Was that an Officer Hulcoup?

22

A. I don't remember his name.

23

24

25

Q. And do you remember the time of  
day that you met with the officer?





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A. It would have to be during the day because it says that I am in the administration offices at the hospital.

5

6

7

Q. And what you are referring to is approximately 2-1/2 pages of handwritten notes with reference to Wednesday, April 29th, 1981?

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A. Yes.

Q. And to your knowledge were these prepared by the officer on the 29th?

A. Yes.

THE COMMISSIONER: That is the 29th of, what month is this?

MS. KITLEY: April, 1981, sir.

Q. And it indicates on the top right hand corner:

"Commenced statement 8:40 a.m.

Completed statement 9:20 a.m."

Does that accord with your recollection?

A. Yes.

Q. And am I correct that this interview on the 29th of April was primarily with respect to Allana Miller?

A. Yes.

Q. And were you asked to sign the 2-1/2 pages which the officer prepared?







1

2

A. No, I wasn't.

3

4

Q. Were you asked to read them over before you left the room?

5

A. I can't remember.

6

Q. Were you given a copy of them when you left the room?

7

A. No, I wasn't.

8

Q. Now, am I correct --

9

THE COMMISSIONER: I take it, does the same thing apply to this statement, too?

11

MS. KITELY: Certainly, I have no difficulty with that, sir.

12

THE COMMISSIONER: That's fine.

13

MS. KITELY: Q. And am I correct that the next contact with the police was surrounding the preliminary hearing in 1982?

16

A. Yes.

17

Q. And you gave evidence on February 4th, 1982?

18

A. Yes.

19

Q. And were you subpoenaed to attend that preliminary?

21

A. Yes, I was.

22

Q. Do you recall by whom you were subpoenaed?

23

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A. Officer Murray.

Q. Did he come to your home to subpoena you?

A. Yes, he did.

Q. When he came to your home, did he indicate to you that there would be an opportunity for you to prepare yourself?

A. No, he didn't say that, no.

Q. In fact, did you have an opportunity before your attendance on February 4, 1982 to review the statements that we have just looked at, or summaries of the statements dated April 29th, 1981 and March 27th, 1981?

A. When I arrived at the court room he came upstairs and asked me if I would like to go down and look at my statement. I said, yes. We went down to -- I think it was Mr. McGee's office is on that floor in the court house.

Q. Is that the Old City Hall?

A. Yes.

Q. And he gave me the notes and I had a look at them, I didn't absorb a lot because it was a very short period of time and he asked me if I have read the notes and I said, yes. He asked me if I felt Susan was guilty, and I said, no, that I





1  
2 still could not believe that she would do something  
3 like that. He said to me that she was guilty and  
4 they were going to find her guilty.

5 Q. And this was before you went  
6 into the preliminary hearing to give your evidence?

7 A. That's correct.

8 Q. And do you recall --

9 THE COMMISSIONER: I am sorry --

10 Q. ...what period of time --

11 THE COMMISSIONER: I'm sorry, who was  
12 this officer?

13 THE WITNESS: Murray.

14 Q. Do you recall what period of  
15 time you had to look over this document before you had  
16 to take the witness stand?

17 A. It was just a brief period of  
18 time. I looked at them and then we went upstairs and  
19 I waited outside the court room to be called.

20 Q. How long were you waiting?

21 A. I am not sure, an hour, if not  
22 longer.

23 Q. During the time that you were  
24 waiting did you have copies of these notes of March  
25 the 27th and April 29th in your hand?

A. No, I did not.





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Q. Now on that date, and before you gave evidence, were you offered an opportunity to look at any of the charts of the four children with whom Susan Nelles was charged?

A. No.

Q. Were you offered the opportunity to look at the WIN sheets?

A. No.

Q. Or the tour end reports?

A. No.

Q. During the course of your evidence at the preliminary, do you recall having given evidence about the Inderal taped to the end of Justin Cook's bed?

A. No.

Q. Do you have a copy of your transcripts in front of you?

THE COMMISSIONER: Excuse me, somewhere along the line I missed it. Did Dr. Kantak, did he administer the old Inderal or the new Inderal?

THE WITNESS: When he gave the second dose?

THE COMMISSIONER: When he gave either dose, do you know?

You said, did you not tell us that







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you brought some more Inderal?

THE WITNESS: When I was asked to,  
yes.

THE COMMISSIONER: Yes. Now, do  
you know what happened to that Inderal?

THE WITNESS: I took it back to the  
ward and gave it to Mrs. Trayner.

THE COMMISSIONER: You don't know whether  
that was substituted for the Inderal in the syringe or  
not?

THE WITNESS: No, I don't.

MR. LAMEK: Mr. Commissioner, there is  
some reference in the notes to it, it is the first  
unnumbered page, Sunday, March 29th.

MS. KITLEY: In Exhibit 353.

MR. LAMEK: Inderal. The note is  
Inderal, two pre-drawn vials of pre-drawn medication  
taped to Justin's bed, this is what Dr. Kantak used  
to give the Inderal to Justin.

THE COMMISSIONER: Yes, but I was  
wondering if it could have been the substitute Inderal  
instead of the original Inderal. You see the Inderal--  
that is what you took exception to, isn't that right?

THE WITNESS: Yes.

THE COMMISSIONER: And you went and got





1  
2 some more Inderal?

3 THE WITNESS: Yes.

4 THE COMMISSIONER: But you don't know  
5 whether they substituted that Inderal?

6 THE WITNESS: No, I don't.

7 THE COMMISSIONER: Did you suggest  
8 that that be done?

9 THE WITNESS: I can't recall whether  
10 I did or not.

11 THE COMMISSIONER: Was that the purpose  
12 of your getting it, or was the purpose just to make  
13 sure they had some on hand?

14 THE WITNESS: It was to make sure they  
15 had some on hand because Mrs. Trayner had said to me  
16 that they didn't have any more Inderal on the ward.

17 THE COMMISSIONER: You didn't go for  
18 the purpose of getting something to substitute for  
19 the Inderal that they had already drawn up?

20 THE WITNESS: No.

21 THE COMMISSIONER: All right, thank you.

22 Q. Would you look at the copy of the  
23 transcript of the preliminary inquiry and would you  
24 turn to page 70.

25 THE COMMISSIONER: I'm sorry, what  
page?





1  
2 MS. KITLEY: Page 70, sir, and it is  
3 Volume 10, I believe, sir.

4 Q. Would you turn to page 70.

5 A. Yes.

6 Q. Would you look at the bottom  
7 of that page and the top of the next page. It would  
8 appear from the bottom of page 70 and the top of page  
9 71 that you did describe the Inderal being taped to the  
10 bottom of the bed, is that correct?

11 A. Yes, I did.

12 Q. Now, do I understand that after  
13 you gave evidence at the preliminary that you initiated  
14 a contact with the police?

15 A. Yes, I did.  
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H/BM/ak

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Q. And is that on June 25th, 1982?

A. Yes.

Q. What was the purpose of your initiating that contact?

A. I had been thinking about my evidence at the preliminary hearing and I couldn't recall for sure whether I had told them I had seen the Inderal taped to the end of the bed and I was concerned about that. So, I talked to Miss Evans and said that --

Q. Anne Evans?

A. Anne Evans, yes. There were a couple of things that I was concerned about that I wasn't sure that I had said and that should I give the information to the police officers and she said yes.

Q. And did you make a telephone call to the police?

A. Yes, I did.

Q. And did you meet with them?

A. Yes.

Q. Did you relate to them the details you could remember about the Inderal?

A. Yes.

Q. Not remembering that in fact





1  
2  
3 you said it at the preliminary inquiry?

4 A. That's right.

5 Q. Now, let's go to Exhibit 353.

6 MR. PERCIVAL: It would certainly  
7 be nice if the witness could say it instead of the  
8 counsel, with respect, Mr. Commissioner.

9 THE COMMISSIONER: Yes, yes, that  
10 may be, but we have lost all opportunity for that  
11 rule to be enforced.

12 MS. KITLEY: I think we lost on the  
13 first day of the hearing.

14 MR. PERCIVAL: I think six months  
15 ago.

16 THE COMMISSIONER: I think so, yes.  
17 All I can say is that there is some merit, there is  
18 a good deal in what Mr. Percival says, it probably  
19 has more effect if the witness says it probably than  
20 if you say it. But I'm not going to direct you.

21 MS. KITLEY: Thank you, sir.  
22 Mr. Commissioner, I note that it is just 4:30. I  
23 think I will be about 10 minutes. Shall I finish  
24 today? I think 10 is a good 10.

25 THE COMMISSIONER: Is that an honest  
10?

MS. KITLEY: Well, it is an honest 10.





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2  
3 THE COMMISSIONER: All right. Well  
4 then, I think we will give you that 10.

5 MR. LAMEK: But if it as an accurate  
6 10, that is a different question.

7 MS. KITLEY: That's a different  
8 question.

9 THE COMMISSIONER: The mens rea is...

10 MS. KITLEY: The mens rea is 10, sir.

11 THE COMMISSIONER: Yes, all right.  
12 If the fact is 15 nothing serious will happen but  
13 if it is 16 it will.

14 MS. KITLEY: Will you get your stop-  
15 watch out, Mr. Lamek.

16 THE COMMISSIONER: No, I am the one  
17 with the stopwatch.

18 MS. KITLEY: Q. Can we go to Exhibit  
19 353, please, which is your handwritten statement.

20 A. Yes.

21 Q. And I will ask you to go to  
22 the last three pages. These are the ones that you  
23 previously identified as having been written on  
24 Thursday, October 28th, 1982.

25 A. That's right.

Q. And you indicate at the first  
line of context "had spoken with Sergeant Low and





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(blank) on Tuesday, October 26th".

A. That's right.

Q. Is that with reference to a meeting that you had with Sergeant Low on the 26th of October?

A. Yes, I had had a message left for me that I was to contact a Sergeant Low in the offices that the police were using in the Hospital, so, I phoned him and set up the interview.

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Q. And where there is a blank after Sergeant Low 's name does that mean that there was someone else that you met with that you didn't recall their name?

A. There was someone else there but I don't remember what his name was.

Q. All right. And do you recall how long you spent with Sergeant Low on that occasion?

A. I think an hour or so, an hour or two.

Q. Let's look at the bottom of the page, that same page No. 1. It says, and I quote:

"On Thursday relayed above to Sergeant Low ."

Now, can you help us with the date, the reference to Thursday?

A. I had met with them again on the 28th, I mean the Thursday, the 28th, yes.

Q. So, you saw them on the 26th and then two days later on the 28th?

A. Yes.

Q. Would you turn the page to the one numbered 2 and go to the middle of the page.





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A. Yes.

Q. And I'm quoting:

"Sergeant Low spoke again about  
trying hypnosis."

A. That's right.

Q. Could you explain what that  
sentence is about?

A. When I had met with them  
before I told them that I could not recall being  
on duty the night of Janice Estrella's death until  
the nurses pointed out to me that I was and I had to  
go back to the office to confirm the fact that I was  
because I didn't think I was there. Because I  
couldn't remember the events of the night he had  
suggested would I try hypnosis.

Q. And on page 2 the passage I  
have just read says that Sergeant Low spoke again.  
Does that mean that on Thursday, October 28th, this  
was at least the second time that you had been asked  
about hypnosis?

A. Yes.

Q. Can you help us with when  
the first time was?

A. I think it was at the first  
interview that I had with them because I couldn't





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recall the circumstances around Estrella's death.

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Q. And did you conclude following your meeting on October 28th that you would undergo hypnosis?

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A. No.

7

Q. Why did you reject that?

8

9

A. Because I had spoken with my doctor and he told me not to. Actually, he said it was my decision to make but he advised me against it.

10

11

12

Q. Now, am I correct that you had another meeting with the police and that that was on November 16, 1982?

13

A. I think so, yes.

14

15

Q. And would you help us with who you met with on that occasion?

16

17

A. Again it would be Sergeant Low and the gentleman that was with him before but I don't remember his name.

18

19

Q. Do you recall how long you were with the officers on that occasion?

20

A. A couple of hours.

21

22

Q. And dealing with the October 26th, October 28th and November 16th meetings, were those meetings that the police initiated?

23

24

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A. One of them was -- two of them







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were.

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Q. Which ones?

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A. The first interview I had --

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well, I'm saying that because I had a message left  
for me to call him, so I phoned him and set up an  
interview.

7

Q. Yes. And which of the other  
two did they initiate?

8

9

A. I think it was the third one,  
the one in November.

10

11

Q. So, does that mean you  
initiated the middle one?

12

13

A. Yes.

14

Q. For what purpose?

15

A. Just to tell them that I wasn't  
going to undergo the hypnosis.

16

Q. Now, dealing with these

17

three meetings with the officers on October 26th,  
28th and November 16th, on those occasions were  
charts offered to you to look at?

18

19

A. At the last interview on the  
Tuesday in November I was to go down and look at  
Janice Estrella's chart and they did bring her chart  
to the Administration offices, the office that they  
were using, and I did look at her chart.

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Q. And if we look at page 3 of Exhibit 353 under the date November 16th, the second and third last lines say, "Can't remember night of Estrella's death even with looking at the chart." Is that correct?

A. Yes.

Q. So, on that occasion you did have an opportunity to look at the chart but it didn't help you recall the events of that night?

A. No, it didn't.

Q. Was the November 16, 1982 meeting with the police the last meeting you had with them?

A. Yes, I think so.

Q. And we referred to statements dated March 27th and April 29th or notes taken on those occasions. When did you receive copies of those statements?

A. When you were retained as our lawyer, your firm.

Q. During the course of the contacts that you had with the police --

THE COMMISSIONER: I'm sorry, that doesn't help us much. I don't know when this famous date was, but you don't need to -- this is





HH2.6

disclosing solicitor and client privilege.

MS. KITELY: The point is it was 1983, sir. I mean, I can narrow it down more if you wish.

THE COMMISSIONER: Well, was this after the establishment of this Commission?

THE WITNESS: Yes.

MS. KITELY: Q. During the course of the contacts that you had with the police that we have gone through did you at any time volunteer any information that was not specifically asked of you?

A. Just the fact that I called them in May and told them that I couldn't remember whether I had said the syringe was taped to the foot of Justin Cook's bed or not.

Q. Do you recall any other occasions when you volunteered information?

A. No.

Q. Do you recall any occasions when you asked questions about the investigation?

A. I am not sure.

Q. Now, we have been looking at the notes, Exhibit 353. During the course of your meetings with the police officers, were you asked whether you had any notes?





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A. Yes, I think Sergeant Low

3

asked me.

4

Q. Do you recall when that would

5

have been?

6

A. That would have been when I

7

met with him and the other officer at my house.

8

Q. And is that one of the October

9

meetings in 1982?

10

A. Yes.

11

Q. The first October meeting was

12

at the Hospital?

13

A. Right.

14

Q. The second October meeting

15

at your home?

16

A. I think so, yes.

17

Q. And it was on one of those

18

two that you were asked if you had any notes?

19

A. That's right.

20

Q. And did you reply affirmatively?

21

A. Yes, I did.

22

Q. Did you show them the notes

23

that you had made?

24

A. I'm not sure whether I did

25

or not. I think I asked them if they wanted to see  
them and I think they did have a quick look at them







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but that was all. They were left with me anyway.

MS. KITELY: Mr. Commissioner, those  
are the questions I have of this witness.

THE COMMISSIONER: Yes, all right. You  
were as good as your word.

MS. KITELY: Right under the wire.

THE COMMISSIONER: Well, I think it is  
dead on. Well then, we will rise until ten o'clock  
tomorrow.

--- whereupon the hearing was adjourned at 4:40 p.m.  
until Wednesday, the 15th day of February 1984,  
at 10:00 a.m.





